



Independent Remuneration Panel 7 September 2011

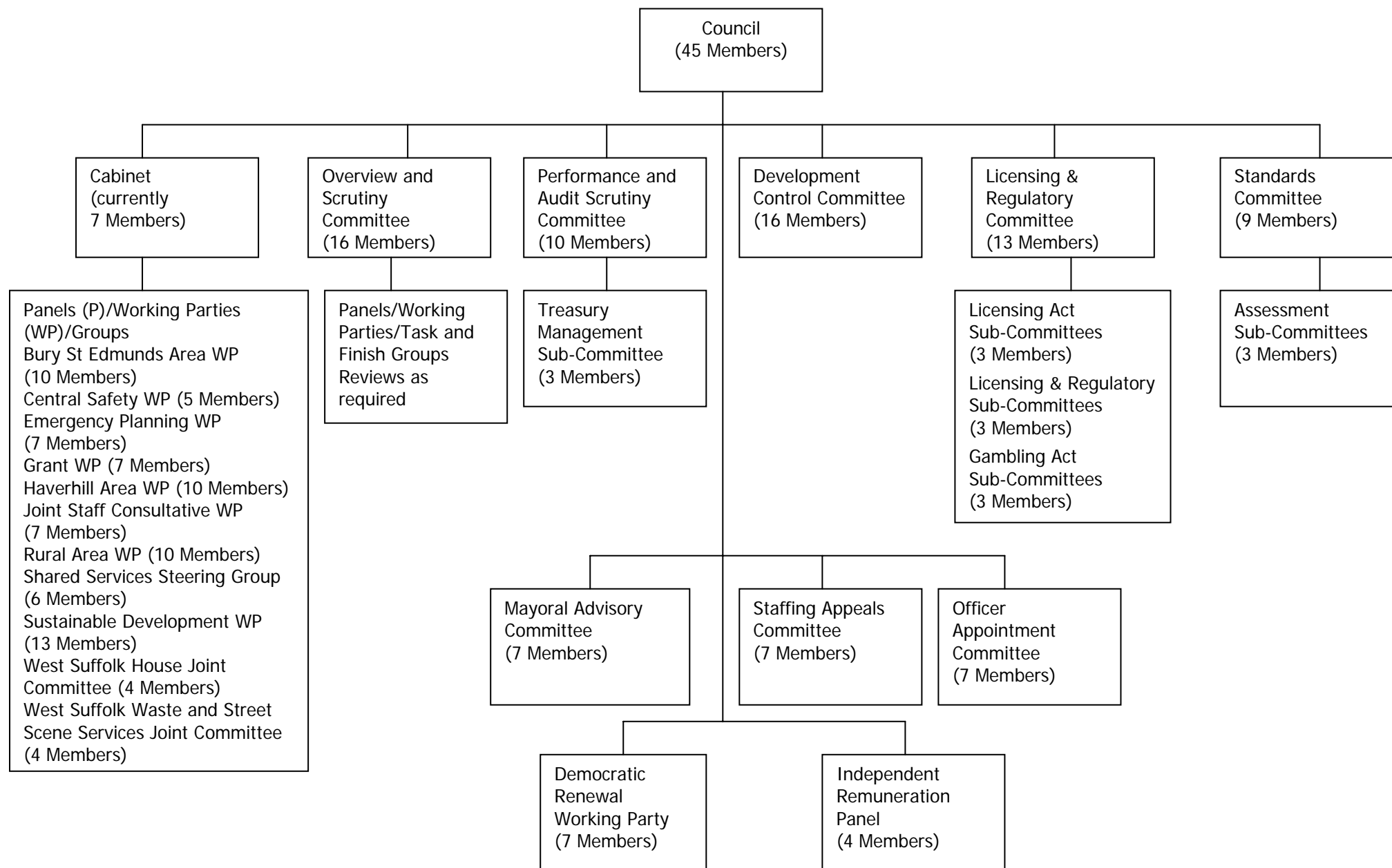
Members' Allowances: Decision Making Structure and Responsibilities

1. Background Information

- 1.1 Attached as Appendix A is the current Borough Council's Decision Making Structure Scheme.
- 1.2 Appendix B provides an overview of the responsibilities of the Cabinet and main Committees.
- 1.3 Appendix C provides details on the number of occasions that each body for which a Special Responsibility Allowance is or has been paid, has or is scheduled to meet in over a 3 year period.
- 1.4 Appendix D is a copy of the Members' Job Descriptions.

For further information, please contact Steven Lincoln, Committee Services Manager, telephone: (01284) 757108 or e-mail steven.lincoln@stedsbc.gov.uk

St Edmundsbury Borough Council Decision Making Process



PART 3
RESPONSIBILITY FOR FUNCTIONS

COMMITTEES

ARTICLE 7 - OVERVIEW AND SCRUTINY

7.1 Overview and Scrutiny

7.1.1 Effective overview and scrutiny is essential to enhance the accountability and transparency of the decision-making process. The Overview and Scrutiny Committee will discuss issues in public and take a cross-cutting approach to its work. It will seek to improve the delivery of policies and services by:-

- (a) holding the Cabinet to account for its actions;
- (b) testing whether existing policies and practices are effective and efficient and suggesting how they might be improved; and
- (c) ensuring the rigour and objectivity of performance management and service reviews.

7.1.2 Within the overview and scrutiny process, the separate Policy Development Committee, and its panels, will take a similar broad view of the Authority's work, advising on the development and implementation of new policy and corporate projects.

7.1.3 The Performance and Audit Scrutiny Committee will have the specific role of monitoring the performance of services by considering a range of information such as performance indicators, inspection reports and action plan monitoring.

7.2 The Overview and Scrutiny Committee

7.2.1 The Council will appoint an Overview and Scrutiny Committee of up to 15 Members, to discharge the functions conferred by Section 21 of the Local Government Act 2000 (or any regulations under Section 32 of that Act). The Committee will be politically balanced.

7.2.2 The primary purpose of the Committee is to improve the delivery of policies and services by providing a check on the way the Council works, i.e. by acting as a 'critical friend' and addressing the 'corporate health' of the Authority as a whole. Within its terms of reference, the Overview and Scrutiny Committee will perform the following **General Role**:-

- (a) review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions (subject to 7.10.1(g) below);
- (b) make reports and recommendations to the full Council and the Cabinet in connection with the discharge of any functions;
- (c) consider any matter affecting the area or its inhabitants;
- (d) question Members of the Cabinet and officers about their views on issues and proposals affecting the area;
- (e) liaise with external organisations operating in the area, whether national, regional or local, to ensure the interests of local people are enhanced by collaborative working;

- (f) exercise the right to “call in”, for reconsideration, decisions made but not yet implemented by the Cabinet, in accordance with the rules set out in Part 4 of this Constitution; and
- (g) consider any Councillor Calls for Action referred to it in accordance with the Protocol set out in Part 5 of this Constitution.

7.2.3 **Scrutiny Role**

Within its terms of reference, the Overview and Scrutiny Committee may:-

- (a) review and scrutinise the decisions made by, and the performance of, the Cabinet, Committees and Council officers both in relation to individual decisions and over time;
- (b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas, and carry out Best Value and other performance management reviews;
- (c) review the adequacy of policies, practices and internal controls (including internal and external audit plans and risk management processes) to ensure compliance with statutory and other guidance;
- (d) question Members of the Cabinet, Committees and officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (e) make recommendations to the Cabinet and/or the appropriate Committee arising from the scrutiny process;
- (f) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance and issues of wider concern; and
- (g) question and gather evidence from any person (with their consent).

7.3 **Policy Development Committee**

7.3.1 The Council will also appoint a Policy Development Committee of up to 15 Members which will also be politically balanced. Within its terms of reference, the Committee will:-

- (a) assist the Council and the Cabinet in the development of the budget and policy framework by detailed analysis of policy issues and options, including research, and community and other consultation;
- (b) consider and implement mechanisms to encourage and enhance community participation in the development of policy options; and

- (c) consider how collaborative working with external organisations can enhance the interests of local people.

7.3.2 For specific issues, the above work can be carried out by working parties and panels, which will be appointed and managed by the Policy Development Committee. These panels/working parties will draw upon the knowledge and expertise of all Members of the Council.

7.4 Performance and Audit Scrutiny Committee

7.4.1 The Council will also appoint a Performance and Audit Scrutiny Committee of up to ten members, which will also be politically balanced. Within its terms of reference the Committee will monitor and scrutinise the performance of the Council's services by having regard to a variety of information, including performance indicators, financial information, reports from external inspections, audit reports, and monitoring of action plans.

7.4.2 The Committee will also act as the Council's Audit Committee and the nature of this role is specified in the Performance and Audit Committee Procedure Rules in Part 4 of this Constitution.

7.5 Finance

7.5.1 The Overview and Scrutiny Committee, Performance and Audit Scrutiny Committee and Policy Development Committee may exercise overall responsibility for any finances made available to them.

7.6 Annual Report

7.6.1 The Overview and Scrutiny Committee, Performance and Audit Scrutiny Committee and Policy Development Committee must report annually to the full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

7.7 Officers

7.7.1 The Overview and Scrutiny Committee, Performance and Audit Scrutiny Committee and Policy Development Committee may exercise overall responsibility for the work programme of any officers employed to support their work.

7.8 Proceedings of the Committees

7.8.1 The Overview and Scrutiny Committee, Performance and Audit Scrutiny Committee and Policy Development Committee will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

7.9 Work Programme

7.9.1 The rules of procedure in Part 4 of this Constitution will also provide mechanisms to allow all Members of the Council the opportunity to place an item on the agenda of the Overview and Scrutiny Committee, Performance and Audit Scrutiny Committee and the Policy Development Committee.

7.9.2 When practicable, the Overview and Scrutiny and Policy Development Committees will publish a forward plan or list of items likely to be considered over the next four months.

7.10 Working Methods

7.10.1 The following principles should be adhered to by the Overview and Scrutiny Committee, Performance and Audit Scrutiny Committee and Policy Development Committee when carrying out their work:-

- (a) a variety of different approaches and formats for meetings may be used;
- (b) membership of the Committees and their panels (if applicable) should be tailored to ensure appropriate skills and expertise, and external input, are brought to bear;
- (c) whenever appropriate, full consultation with all other stakeholder groups and organisations should take place;
- (d) the declaration of interest rules shall apply;
- (e) the imposition of the Party Whip is regarded as incompatible with the work of the Council's Scrutiny Committees;
- (f) the Chairmen and Vice-Chairmen of the Scrutiny Committees and the Policy Development Committee will meet at least quarterly with the Leader and Deputy Leader(s) of the Council to ensure that the work of these Committees is properly co-ordinated; and
- (g) where any Scrutiny Committee is reviewing the work of a Regulatory or other Committee of the Council (as opposed to the Cabinet) it will not scrutinise individual decisions made by such Committees, particularly decisions in respect of development control, licensing, registration, consents and other permissions. In particular, scrutiny will not be an alternative to normal appeals procedures. However, the Overview and Scrutiny Committee and Policy Development Committee have the power to make reports and recommendations on functions which are not the responsibility of the Cabinet, an option normally to be used as part of wider policy reviews.

7.11 Support

7.11.1 In order that the Overview and Scrutiny Committee can perform its roles properly, it shall be given the following support:-

- (a) effective and properly resourced support from officers;
- (b) appropriate financial resources;
- (c) access to the advice of the Council's Monitoring Officer;
- (d) the ability to require Members of the Cabinet and officers to attend to answer questions;

- (e) specific training and development for all persons who undertake overview and scrutiny duties; and
- (f) the Cabinet's forward plan, containing details of all the matters likely to be the subject of key decisions, shall be made available to all Members of the Overview and Scrutiny Committee at least 14 days prior to the first day upon which the forward plan will come into effect.

7.11.2 In order that the Policy Development Committee and Performance and Audit Scrutiny Committee can perform their roles properly they shall also be given the following support:-

- (a) effective and properly resourced support from officers;
- (b) appropriate financial resources; and
- (c) specific training and development as required.

ARTICLE 8 – REGULATORY AND OTHER COMMITTEES

8.1 Regulatory Committees

8.1.1 Under the new decision-making structures, the Council must appoint Committees to deal with non-Executive functions such as licensing and town and country planning controls. These are known as Regulatory Committees. Although a brief summary is set out below, the functions discharged by these Committees is set out in detail in Part 3 of this Constitution.

8.2 Development Control Committee

8.2.1 This Committee will comprise up to 17 Members and will be politically balanced. It will deal with matters relating to the administration of the Town and Country Planning Legislation, Listed Building and Conservation Area Legislation, Hazardous Substances Legislation, the Building Act and associated Regulations.

8.2.2 These will include:-

(a) determining applications for planning permission, the approval of reserved matters, listed building and conservation area consent, certificates of lawful development and notifications under various Orders and Circulars, all under the provisions of the Town and Country Planning Acts and subordinate legislation;

(b) enforcement under the provisions of the Town and Country Planning Act and subordinate legislation in respect of development works carried out without the benefit of the appropriate permission/consent and/or without compliance with conditions, subject to which such permission/consent has been granted;

(c) the making and confirming of Tree Preservation Orders, Building Preservation Notices and other regulatory orders, notices and directions related to the control and development and works to listed buildings and buildings in conservation areas;

(d) the determination of applications for hedgerow consent, consent under the provisions of the Tree Preservation Orders and the consideration of notifications in respect of works to trees in conservation areas;

(e) the determination of applications for Building Regulations consent and enforcement of the regulations; and

(f) the taking of action as required with respect to dangerous structures.

8.2.3 Many of the functions within the remit of this Committee will be dealt with by officers under delegated authority.

8.2.4 Full details of the functions of this Committee are set out in Part 3 of this Constitution.

8.3 Licensing and Regulatory Committee

- 8.3.1 The Licensing and Regulatory Committee will comprise up to 12 Members and will be politically balanced. The area of responsibility of this Committee includes all other matters of a regulatory nature or which are required by statute to be licensed.
- 8.3.2 Many of the functions within the remit of this Committee will be dealt with by officers under delegated authority. The Licensing and Regulatory Committee will deal with those individual cases where there is a difficulty.
- 8.3.3 Full details of the functions of this Committee are set out in Part 3 of this Constitution.

8.4 Officer Appointments and Staffing Appeals Committees

- 8.4.1 The Officer Appointments and Staffing Appeals Committees will each comprise up to 9 Members and will be politically balanced. They will meet on an ad hoc basis to deal with certain employment matters affecting individual members of staff which require a Member decision, such as the appointment of Chief Officers and disciplinary appeals.
- 8.4.2 Full details of the functions of these Committees are set out in Part 3 of this Constitution.

ARTICLE 9 - THE STANDARDS COMMITTEE

9.1 Standards Committee

9.1.1 This Council has a duty to establish a Standards Committee.

9.1.2 Standards Committees do not have to comply with political balance rules in Section 15 of the Local Government and Housing Act 1989.

9.2 Membership

9.2.1 The Standards Committee will comprise:-

- (a) three Councillors;
- (b) three Independent Members (people who are not Councillors or officers of the Council or any other body having a Standards Committee); and
- (c) three members of Parish/Town Councils wholly or mainly in the Council's area (Parish Members).

9.2.2 Independent Members will be entitled to vote at meetings. The Independent Members will be appointed by a Selection Panel, following advertisement for applicants in a local newspaper. The appointments will need to be endorsed by the full Council.

9.2.3 As vacancies among Parish Members arise, appropriately sized Parish/Town Councils in the Borough will be invited to submit nominations to the Monitoring Officer. The Standards Committee will then undertake a selection procedure and select one nominee. One Parish Member from each of the following categories will sit on the Committee:-

- (a) parishes with less than 400 electors;
- (b) parishes with between 400 and 15,000 electors; and
- (c) parishes with more than 15,000 electors (i.e. Town Councils).

The appointments will need to be endorsed by the full Council.

9.2.4 The Committee shall be chaired by an Independent Member.

9.2.5 (a) Terms of office for Parish Members and Independent Members will be four years from the date of their appointment save that any Parish member who ceases to be a member of his or her Parish or Town Council will, unless immediately re-elected to another Council in the same size category, cease to be a member of this Committee. This provision shall

have effect in respect of Parish and Independent Members appointed since the appointment of the original Committee membership in 2002.

- (b) Independent and Parish Members may seek re-appointment for one further three year term at the expiration of their first term of office.
- (c) Borough Councillors shall not hold office as members of the Committee for more than two consecutive terms of four years.

9.2.6 The quorum of the Committee will be 4 Members of which there must be at least one Borough Councillor, one Independent Member and one representative of town/parish councils. The Members of the Committee will not have substitutes.

9.3 Role and Function

9.3.1 The Standards Committee will have the following roles and functions:-

- (a) promoting and maintaining high standards of conduct and ethical governance by Councillors and co-opted Members;
- (b) assisting Councillors and co-opted Members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption and revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to Councillors and co-opted Members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred to the Monitoring Officer by an Ethical Standards Officer of the National Standards Board;
- (h) to carry out all the powers and duties contained in Part 10 of the Local Government and Public Involvement in Health Act 2007 and regulations made thereunder including but not limited to local assessment of complaints and the making of returns to the Standards Board; and
- (i) the exercise of (a) to (h) above in relation to the Parish Councils wholly or mainly in its area and the Members of those Parish Councils.

- 9.3.2 The Standards Committee will not cover the conduct of officers, for which separate provisions apply.
- 9.3.3. Where in accordance with s.57B of the Local Government Act 2000 a request is made to review a decision of the Standards Committee that no action should be taken in relation to a complaint made under s.57A, the Committee may, pursuant to s.101 of the Local Government Act 1972, arrange for that function to be discharged by the Standards Committee of Forest Heath District Council.

A. Development Control Committee		
Membership and Meeting Arrangements	Functions	Delegation of Functions
<p>Up to 17 Members of the Authority.</p> <p>The Committee will be appointed annually by the full Council and will be politically balanced.</p> <p>The Committee will appoint its own Chairman and Vice-Chairman/Chairmen</p> <p>The Committee will meet in accordance with a schedule of ordinary meetings approved by the Council, although meetings may be cancelled due to lack of business. Special meetings of the Committee may also be called.</p>	<p>A. Remit</p> <p>The Committee is authorised to undertake (or sub-delegate) all of the Council's regulatory functions relating to town and country planning, development control and the protection of hedgerows and trees, as specified in Parts A and I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended by SI 2001 No.2212 and any subsequent Regulations).</p> <p>The Committee is also authorised to exercise the Council's Local Choice Functions in relation to the obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land and the obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (as specified in the Table in Section 1).</p> <p>In summary, the area of responsibility of this Committee includes all matters relating to the administration of Town and Country Planning legislation, Listed Building and Conservation Area legislation, Hazardous Substances legislation and the Building Acts and associated Regulations within the purview of the Authority as it relates to the following functions:-</p> <p>(1) The determination of applications for planning permission, the approval of reserved matters, listed building and conservation area consent, advertisement consent, hazardous</p>	<p>The majority of the Committee's functions will be determined by officers, as set out in section 4 of this part of the Constitution. These delegations are subject to:-</p> <p>(a) any such determination being consistent with Development Plans and adopted Borough and County Planning Policies;</p> <p>(b) statutory and customary consultations being carried out; and</p> <p>(c) the safeguards and consultative procedures listed in the section B below.</p>

	<p>substances consent, certificates of lawful development and notifications under various orders and circulars all under the provisions of the Town and Country Planning Act and subordinate legislation.</p> <p>(2) Enforcement under the provisions of the Town and Country Planning Act and subordinate legislation in respect of development/works carried out without the benefit of the appropriate permission/consent and/or without compliance with conditions subject to which such permission/consent has been granted.</p> <p>(3) The making and confirming of tree preservation orders and building preservation notices and other regulatory orders, notices and directions related to the control of development and works to listed buildings.</p> <p>(4) The determination of applications for hedgerow consent, consent under the provisions of tree preservation orders and the consideration of notifications in respect of works to trees in conservation areas.</p> <p>(5) The determination of applications for Building Regulations consent and enforcement of the regulations.</p> <p>(6) To take action as required with respect to dangerous structures.</p> <p>The Committee is also responsible for appointing persons to its Design Panel.</p>	<p>Those matters which will normally fall to be determined by the Committee are as defined in the Committee's Safeguards and Consultative Procedures set out in this table below.</p>
--	---	---

In exercising its functions under the above remit, the Committee may refer any item to the full Council for a decision.

B. Safeguards and Consultative Procedures

Notwithstanding the delegation of functions to officers, the following procedures and safeguards operate in respect of the determination of the Committee's functions.

(1) Determination by Committee

- (a) The Committee will determine the following:-
 - (i) applications and matters relating to previously determined applications requiring further decision, which have been reported to Ward Members via the Ward Information System (see (2) below) and referred by a Member to the Committee so that a specific area of concern can be addressed;
 - (ii) applications in respect of which the officers' recommendation of approval is contrary to the recommendation of the Parish/Town Council;
 - (iii) applications relating to Tree Preservation Orders and (provided that a meeting of the Committee is available before the expiry of the time period at the end of which the Authority is deemed to have consented to the works) notifications relating to consent for works to Trees in Conservation Areas in respect of which the officers' recommendation of approval is contrary to the

	<p>recommendation of the Parish/Town Council;</p> <p>(iv) all applications submitted by Members or officers of St Edmundsbury Borough Council;</p> <p>(v) where the officers' recommendation of approval is contrary to the recommendation of the Parish/Town Council, applications relating to prior approval under the provisions of the Town and Country Planning (General Permitted Development) Orders relating to agricultural and forestry buildings (providing that a meeting of the Committee is available before the expiry of the time period at the end of which the Authority is deemed to have consented to the development). If a meeting of the Committee is not available before the expiry of the statutory time limit, these applications will be determined by the Head of Planning and Economic Development in consultation with the Chairman of the Committee and Local Ward Member(s); and</p> <p>(vi) where there are representations contrary to the officers' recommendation of approval, applications relating to prior approval under the provisions of the Town and Country Planning (General Permitted Development) Orders relating to applications relating to the location of equipment, apparatus (not exceeding a height of 15m above ground level other than on a building or other structure) and control structures by telecommunication code system operators (providing that a meeting of the Committee is available before the expiry of the time period at the end of which the Authority is deemed to</p>	
--	---	--

	<p>have consented to the development). If a meeting of the Committee is not available before the expiry of the statutory time limit, these applications will be determined by the Head of Planning and Economic Development in consultation with the Chairman of the Committee and the local Ward Member(s).</p> <p>(b) In addition to the categories of applications set out in (a) above:-</p> <p>(i) A Member of the Council may require; as of right, the Head of Planning and Economic Development to refer to the Committee for determination any application for:-</p> <ul style="list-style-type: none">(a) planning permission;(b) listed building consent;(c) work to trees; and(d) any application relating to prior approval under the Town and Country Planning (General Permitted Development) Orders (provided that a meeting of the Committee is available before the expiry of the time period at the end of which the Authority is deemed to have consented to the development). <p>(ii) A Member of the Council may require, as of right, the Head of Legal and Democratic Services to refer to the Committee for determination any application for determination as to whether existing or proposed development is lawful.</p>	
--	---	--

	<p>(iii) The Head of Planning and Economic Development or the Head of Legal and Democratic Services reserve the right to refer to the Committee for determination any application for planning permission or other matter which would otherwise be dealt with under delegated powers.</p> <p>(2) Ward Information System</p> <p>(a) In cases where the officers' recommendation of approval or refusal is contrary to representations received, the following matters will be reported to Members via the weekly Ward Information System:-</p> <ul style="list-style-type: none">(i) applications which do not otherwise fall to be considered by the Committee;(ii) matters relating to previously determined applications requiring further decision; and(iii) applications relating to Tree Preservation Orders and notifications relating to consents for works to Trees in Conservation Areas. <p>(b) The Chairman of the Committee or any Councillor are allowed until midday on the following Friday (i.e. 4 1/2 working days) to request that any planning matter reported to them via the Ward Information System be referred to the Committee for determination; the Member to identify the specific area of concern which the Committee should be asked to address.</p>	
--	---	--

B. Licensing & Regulatory Committee		
Membership and Meeting Arrangements	Functions	Delegation of Functions
<p>Up to 13 Members of the Authority.</p> <p>The Committee will be appointed annually by the full Council and may be politically balanced.</p> <p>The Committee will appoint its own Chairman and Vice-Chairman/Chairmen</p> <p>The Committee and its sub-committee(s) will meet in accordance with a schedule of ordinary meetings approved by the Council, although meetings may be cancelled due to lack of business. Special meetings of the Committee may also be called.</p>	<p>The area of responsibility of this Committee includes all matters of a regulatory nature (other than those covered by the Development Control Committee), or which are required by statute to be licensed, and the hearing of certain appeals. The Committee will only hear those appeals which the Authority is required to determine; it will not take the place of any other appeals process or complaints procedure, nor will it provide a general appeal mechanism for any decision of the Authority.</p> <p>Accordingly, the Committee is authorised to undertake (or sub-delegate) all of the Council's regulatory functions relating to licensing and registration, health and safety at work (for non-Council staff), public rights of way and take-away food shops, as specified in Parts B, C and I of Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended by SI 2001 No.2212 and any subsequent Regulations).</p> <p>The Committee is also authorised to exercise the Council's Local Choice Functions (as specified in the Table in Section 1) in relation to:-</p> <p>(1) the determination of an appeal against any decision made by or on behalf of the Authority (other than those relating to employees of the Authority), including appeals relating to Discretionary Housing Payments;</p>	<p>The majority of the Committee's functions will be determined by officers, as set out in section 4 of this part of the Constitution.</p> <p>In normal circumstances, matters will only be brought before the Committee where there is a difficulty or an appeal against an officer's decision.</p> <p>Applications made in respect of the Licensing Act 2003 will be brought before the Committee or sub-committees in accordance with the guidance issued under s.182 of the Act and summarised in Table B1 attached.</p>

	<ul style="list-style-type: none"> (2) any function relating to contaminated land; (3) the discharge of any function relating to the control of pollution or the management of air quality; (4) the service of an abatement notice in respect of a statutory nuisance; (5) the passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area; (6) the inspection of the Authority's area to detect any statutory nuisance; (7) the investigation of any complaint as to the existence of a statutory nuisance; (8) the obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976; and (9) the making of agreements for the execution of highways works. 	<p>Applications made in respect of the Gambling Act 2005 will be brought before the Committee or Sub Committee in accordance with the Scheme of Delegation adopted and summarised in Table B2 attached.</p>
--	---	---

TABLE: B1**Licensing Act 2003: Delegation of Functions**

The Licensing Authority has adopted the following level of delegation of functions in accordance with the general guidance issued by the Government.

Matter to be dealt with	Licensing & Regulatory Sub Committee	Officers
Application for personal licence	If a Suffolk Constabulary objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made and not withdrawn	If no relevant representation made
Application for provisional statement	If a relevant representation made and not withdrawn	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made and not withdrawn	If no relevant representation made
Application to vary designated premises supervisor	If a Suffolk Constabulary objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Suffolk Constabulary objection	All other cases
Applications for Interim Authorities	If a Suffolk Constabulary objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious		All cases
Decision to object when local authority is a consultee and not the lead authority	All cases	
Determination of a Suffolk Constabulary representation to a temporary event notice	All cases	
Determination of application for minor variation		All cases
Determination of application for licence, or variation of licence, in respect of community premises: supervision of alcohol sales	If a Suffolk Constabulary objection is made and not withdrawn	All other cases
Determination of relevance of representation		All cases

TABLE: B2**Gambling Act 2005: Delegation of Functions**

GAMBLING ACT 2005			
Summary of permitted licensing authority delegations			
(x indicates the lowest level to which decisions can be delegated)			
Matter to be dealt with	Full Committee	Sub Committee	Officers
Final approval of three year Statement of Licensing Principles	x		
Policy not to permit casinos	x		
Fee Setting (when appropriate)			x
Application for premises licences		Where representations have been received and not withdrawn made	Where no representations have been received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn made	Where no representations have been received/ representations have been withdrawn
Application for transfer of a licence		Where representations have been received and not withdrawn made	Where no representations have been received/ representations have been withdrawn
Application for a provisional statement		Where representations have been received and not withdrawn made	Where no representations have been received/ representations have been withdrawn
Review of a premises licence		x	
Application for club gaming/ club machine permits		Where objections have been made (and not withdrawn)	Where no objections have been made/ objections have been withdrawn
Cancellation of club gaming/ club machine permits		x	
Applications for other permits			x
Cancellation of licensed premises gaming machine permits			x
Consideration of temporary use notice			x
Decision to give a counter notice to a temporary use notice		x	

C. Standards Committee

Standards Committees do not have to comply with political balance rules in Section 15 of the Local Government and Housing Act 1989.

The Standards Committee will comprise:-

- (a) three Councillors;
- (b) three Independent Members (people who are not Councillors or officers of the Council or any other body having a Standards Committee); and
- (c) three members of Parish/Town Councils wholly or mainly in the Council's area (Parish Members).

Independent Members will be entitled to vote at meetings. The Independent Members will be appointed by a Selection Panel, following advertisement for applicants in a local newspaper. The appointments will need to be endorsed by the full Council.

All Parish/Town Councils in the Borough will be invited to submit nominations for Parish Members of the Standards Committee to the Suffolk Association of Local Councils (SALC). SALC will then undertake a selection procedure and submit one nomination for each of the following categories:-

The Standards Committee will have the following roles and functions:-

- (a) promoting and maintaining high standards of conduct by Councillors and co-opted Members;
- (b) assisting Councillors and co-opted Members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption and revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to Councillors and co-opted Members from requirements relating to interests set out in the Members' Code of Conduct;

<p>(a) parishes with less than 400 electors;</p> <p>(b) parishes with between 400 and 15,000 electors; and</p> <p>(c) parishes with more than 15,000 electors (i.e. Town Councils).</p> <p>The appointments will need to be endorsed by the full Council.</p> <p>A Member of the Cabinet may not Chair the Committee.</p> <p>Terms of office for Parish Members and Independent Members will be concurrent with the Borough Council's four-yearly elections. However, initial appointments (in 2002) will be for five years, ending in May 2007.</p> <p>The quorum of the Committee will be 4 Members of which there must be at least one Borough Councillor, one Independent Member and one representative of town/parish councils. The Members of the Committee will not have substitutes.</p>	<p>(g) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred to the Monitoring Officer by an Ethical Standards Officer of the National Standards Board;</p> <p>(h) dealing with the filtering of complaints to ascertain which should be investigated locally; and</p> <p>(i) the exercise of (a) to (h) above in relation to the Parish Councils wholly or mainly in its area and the Members of those Parish Councils.</p> <p>The Standards Committee will not cover the conduct of officers, for which separate provisions apply.</p>	
--	---	--

CABINET

ARTICLE 6 - THE CABINET

6.1 Role

6.1.1 The Leader and Cabinet will carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

6.2 Form and Composition

6.2.1 The Cabinet will be Chaired by the Leader. It will comprise the Leader and up to nine other Councillors appointed to the Cabinet by the Leader.

6.3 Leader

6.3.1 The Leader will be a Councillor elected to the position by the Council at its post-election annual meeting. The Leader will hold office until:-

- (a) the next post-election annual meeting of the Council save that the Council may by ordinary resolution on notice remove the Leader from office at an earlier date; or
- (b) he/she resigns from the office of Leader; or
- (c) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (d) he/she is no longer a Councillor.

6.3.2 Upon the occurrence of a vacancy in the office of the Leader, the Council shall fill the vacancy at the next ordinary meeting of the Council, or at a special meeting or an extraordinary meeting summoned for the purpose or, if the vacancy occurs as a result of the removal of the Leader by resolution of the Council, at the meeting at which that resolution was passed or at a subsequent meeting. The person appointed to fill the vacancy shall hold office for the remainder of the original term, subject to the rules on earlier termination in 6.3.1 above.

6.3.3 For the avoidance of doubt, the Leader remains a member of the Council during his term of office as Leader and any enactment which provides for his earlier retirement as a councillor does not apply.

6.3.4 The Leader shall appoint another Member of the Cabinet as Deputy Leader to act when the Leader is unable to act or the office of Leader is vacant. The Leader may, if he thinks fit, remove the Deputy Leader from office; otherwise, the Deputy Leader shall hold office until the end of the Leader's term of office.

6.4 Other Cabinet Members

- 6.4.1 Only Councillors may be appointed to the Cabinet. There may be no co-optees and no substitutes for Cabinet Members. Neither the Mayor or Deputy Mayor may be appointed as the Leader or as Members of the Cabinet and the Leader and Members of the Cabinet may not be Members of any Overview and Scrutiny Committee.
- 6.4.2 Whenever possible, the Leader will announce the Members of his/her Cabinet at the annual meeting of the Council. Re-appointments, appointments and the removal of Members announced in this way will take immediate effect. Otherwise, the Leader will give written notice to the proper officer of the Members of his/her Cabinet for the municipal year as soon as practicable after the annual meeting; such re-appointments, appointments and removals shall take effect two working days after receipt of the notice by the proper officer.
- 6.4.3 The Leader may also appoint Members to the Cabinet during the municipal year to fill any vacancy (up to the maximum number defined in 6.2.1 above) by giving written notice to the proper officer. These appointments shall take effect two working days after receipt of the notice by the proper officer.
- 6.4.4 Members of the Cabinet shall hold office until:-
- (a) they resign from office; or
 - (b) they are suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
 - (c) they are no longer Councillors; or
 - (d) the next annual notification by the Leader of his/her Cabinet (at the annual meeting or as soon as practicable thereafter), save that they may be removed from office by the Leader at an earlier date. The Leader must give written notice of any such removal to the proper officer. The removal will take effect two working days after receipt of the notice by the proper officer.
- 6.4.5 If for any reason the Leader is unable to act or the office of Leader is vacant, and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the Cabinet must act in the Leader's place or must arrange for a member of the Cabinet to act in his place.

6.5 Proceedings of the Cabinet

- 6.5.1 Proceedings of the Cabinet shall take place in accordance with the Executive procedure rules set out in Part 4 of this Constitution.

6.6 Responsibility for Executive Functions

- 6.6.1 The Leader will publish a list under Part 3 of this Constitution setting out which individual Members of the Cabinet, Committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular executive functions.
- 6.6.2 On an ongoing basis, the Cabinet will publish a forward plan or list of items likely to be considered over the next four months and this will include a list of key decisions, as defined in Article 12.

6.7 Working Parties and Panels

- 6.7.1 The Cabinet may establish Working Parties and Panels to consider specific issues and to make recommendations. These Working Parties and Panels will not be able to make executive decisions. Members from outside the Cabinet may serve on such Working Parties and Panels but appointments will reflect the requirement that no Member should review or scrutinise a decision in which they were directly involved.

6.8 Co-ordination

- 6.8.1 The Leader and Deputy Leader(s) of the Council and the Chairmen and Vice-Chairmen of the Policy Development Committee, Performance and Audit Scrutiny Committee and Overview & Scrutiny Committee will meet at least quarterly to ensure that the work of these three Committees is properly co-ordinated.

3. Responsibility for Executive (Cabinet) Functions

3.1 Executive functions will be performed by the Cabinet. These functions will be grouped together in the form of Cabinet portfolios, the number and scope of which will be agreed by the Leader. The Leader will also allocate responsibility for the portfolios among the individual Members of the Cabinet, on an annual basis.

3.2 The Cabinet Portfolios and areas of responsibility are as follows:-

Portfolio	Areas of Responsibility
Leader of the Council	<ol style="list-style-type: none"> 1. External Relationships; and 2. Rural Affairs.
Bury St Edmunds and Community Safety	<ol style="list-style-type: none"> 1. Cabinet Commitment for Bury St Edmunds; 2. Community Safety; 3. Safeguarding Children; 4. Licensing; 5. Environmental Health; 6. Environmental Management; 7. CCTV; 8. Emergency Planning; 9. Youth Action Plan (excluding Haverhill); 10. Community development (excluding Haverhill); and 11. Grants.
Culture and Sport	<ol style="list-style-type: none"> 1. Sports; 2. Public Halls; 3. Arts Development; 4. Festivals and Events; 5. Heritage; 6. Parks and green spaces; and 7. Cemeteries.
Economy and Asset Management	<ol style="list-style-type: none"> 1. West Suffolk House; 2. Economic Development; 3. Tourism and Tourist Information Centres; 4. Town Centre Management (Bury St Edmunds); 5. Rural Economy; 6. Markets; 7. Property Services; 8. Facilities Management (including printing); 9. Estate Management; 10. Asset Management Issues; and 11. Economic Partnerships.

Environment and Street Scene	<ol style="list-style-type: none"> 1. Maintenance of the urban realm; 2. Street naming and numbering; 3. Grounds maintenance; 4. Waste Management and Recycling; 5. Abandoned Vehicles; 6. Cleansing; 7. Environmental Sustainability; 8. Environmental Management Systems; 9. Nature Conservation; 10. Climate change and energy action plan; and 11. Public Toilets.
Haverhill and Housing	<ol style="list-style-type: none"> 1. Commitment for Haverhill including:- <ol style="list-style-type: none"> (a) Haverhill Masterplan; (b) Town Centre Management; (c) Youth Action Plan; and (d) Community Development. 2. Strategic Housing; and 3. Homelessness.
Performance and Organisational Development	<ol style="list-style-type: none"> 1. Democratic Services; 2. Health and Safety; 3. Human Resources, (including Workforce Development Plan); 4. Legal Services; 5. Organisational Development; 6. Work Style Programme; 7. Staff Learning and Development; 8. Member Development; 9. Training; 10. Performance Management; 11. Comprehensive Performance Assessment and Council Improvement Plan; 12. Risk management; 13. Communications; 14. Diversity; 15. Customer services and access; 16. Transformational Government//Electronic Government; 17. Systems review and business change; 18. Partnership working/service integration; and 19. Democratic renewal.

Resources and Efficiency	<ol style="list-style-type: none"> 1. Accountancy; 2. Internal Audit; 3. Use of Resources and Best Value; 4. Benefits; 5. Budget setting and management; 6. Revenues & Investments; 7. Payments; 8. Payroll; 9. Procurement; and 10. ICT Infrastructure and Support.
Transport and Planning	<ol style="list-style-type: none"> 1. Highway Agency; 2. Engineering; 3. Conservation of the built environment; 4. Car Parking; 5. Transportation Policy; 6. Bus Station and Public Transport; 7. Planning Policy; 8. Development Control; 9. Building Control; 10. Local Land and Property Gazetteer (LLPG); and 11. Local Land Charges.

- 3.3 At the time of adoption of this Constitution, there is no onward delegation of executive functions other than to officers.
- 3.4 The delegation of executive functions from the Cabinet to Chief Officers, and the onward delegation from Chief Officers to other officers, is as set out in section 4 below. New areas of delegation to officers will usually be exercised in consultation with Portfolio Holders and, where appropriate, local Ward Members.

**SUSTAINABLE
DEVELOPMENT
WORKING PARTY**

Sustainable Development Working Party: Terms of Reference

1. Terms of Reference

A joint Working Party comprising the relevant Portfolio Holders (i.e. those with responsibility for planning and transportation and environmental matters), the Chairman of the Development Control Committee, members of the Development Control Committee, Overview & Scrutiny Committee and Policy Development Committee to advise the Cabinet and Council:-

- (i) on the formulation of the Local Development Framework for St Edmundsbury and associated planning policies;*
- (ii) provide guidance on strategic waste management matters; and*
- (iii) consider and advise on strategic transportation matters and investment in highway schemes that are of more than local significance.*

All Members of the Council will be invited to attend meetings of the Working Party."

2. Workload for Sustainable Development Working Party

The Working Party will receive reports and recommendations and consider the Council's approach in respect of the areas set out below.

2.1 Land Use Policy

- (a) development of planning policy generally and specifically the first St Edmundsbury Local Development Framework;
- (b) to provide guidance on strategic employment, housing and rural development issues;
- (c) oversee the Council's Local Development Scheme;
- (d) receive annual monitoring reports on planning policy matters;
- (e) approve Concept Statements, Master Plans and Planning Guidance for public consultation and recommend adoption of these policy documents to Cabinet;
- (f) agree responses to significant consultation matters (it is suggested that officers are delegated the task of responding in all other situations); and
- (g) to accept studies, research and related documents as part of the background to and the evidence base for strategy and policy development.

2.2 **Transportation Policy**

- (a) strategic and localised transportation studies;
- (b) transportation policy documents;
- (c) car parking policy matters;
- (d) car parking enforcement policy matters;
- (e) to recommend car parking charges to Cabinet;
- (f) to consider the business case for Decriminalised Car Parking Enforcement and to make recommendations on the implementation of that area of service to Cabinet;
- (g) sustainable transport schemes;
- (h) shared space projects and initiatives;
- (i) public transport issues and initiatives;
- (j) park and ride initiatives; and
- (k) highway schemes.

2.3 **Waste Policy**

- (a) development of strategic and local waste policy and contributions to waste local plans;
- (b) receive annual monitoring reports on waste matters;
- (c) agree responses to significant waste consultation matters (it is suggested that officers are delegated the task of responding in all other situations); and
- (d) to accept studies, research and related documents as part of the background to and the evidence base for strategy and policy development.

3. **Membership**

3.1 The Working Party will consist of 13 Members and seats allocated on the political balance formula. The initial constitution will be 10 Conservative, 1 Labour, 1 Lib Dem and 1 'other' Members.

3.2 Membership will include:-

- (a) Portfolio Holder for Transport and Planning;
- (b) Portfolio Holder for Environment and Street Scene;
- (c) Chairman Development Control Committee; and
- (d) Representation from Development Control, Overview and Scrutiny and Policy Development Committees.

Approved by Cabinet: 20 June 2007 (minute 35 refers).

FREQUENCY OF MEETINGS

Body	No of Members	2009/2010	2010/2011	2011/2012
Cabinet NOTE 1	7	11	11	7
Development Control Committee NOTE 2	16	16	16	18
Licensing & Regulatory Committee	13	6	4	4
Overview & Scrutiny Committee	16	7	7	7
Performance & Audit Scrutiny Committee	10	6	6	6
Policy Development Committee	13	6	6	N/A
Standards Committee	9	9	5	5
Sustainable Development Working Party	13	11	9	4

NOTE 1:

Cabinet meet on a regular basis with Management Team (MT).

In 2010/2011 Cabinet/MT met on 20 occasions.

In 2011/2012 Cabinet/MT are scheduled to meet on 23 occasions.

NOTE 2:

The Development Control Committee often has lengthy meetings.

In 2010/2011 the average duration of a meeting was 3 hours 43 minutes.

5. Members' Job Descriptions

5.1	Job descriptions follow in respect of:-	Page
	(1) All Councillors	
	(a) Frontline Councillor;	130
	(2) Mayor	
	(a) Mayor;	132
	(3) Leader of the Council and Cabinet	
	(a) Leader of the Council;	133
	(b) Deputy Leader of the Council; and	134
	(c) General Roles and Responsibilities of all Portfolio Holders;	135
	(4) Scrutiny Committees	
	(a) Chairmen of the Scrutiny Committees (Overview and Scrutiny Committee, Performance and Audit Scrutiny Committee and Policy Development Committee);	137
	(b) Vice-Chairmen of the Scrutiny Committees (Overview and Scrutiny Committee, Performance and Audit Scrutiny Committee and Policy Development Committee); and	139
	(c) Members of Scrutiny Committees (Overview and Scrutiny Committee, Performance and Audit Scrutiny Committee and Policy Development Committee);	141
	(5) Committee Chairman	
	(a) Committee Chairman; and	143
	(6) Group Leaders	
	(a) Group Leaders.	145

Frontline Councillor

1. Purposes

- 1.1 To participate constructively in the good government of the area.
- 1.2 To contribute actively to the formation and scrutiny of the authority's priorities policies, budget, strategies and service delivery.
- 1.3 As a community leader, to represent effectively the interests of the Ward for which the Councillor was elected and deal with constituents' enquiries and representations.
- 1.4 To champion the causes which best relate to the interests and sustainability of the community and campaign for improvement in the quality of life of the community in terms of diversity, safety, wellbeing, economy and environment.
- 1.5 To act as a champion on the Council for specific issues when required.
- 1.6 To represent the Council on outside bodies, such as a governing body or multi-agency group.
- 1.7 To assist, as they are able, the Mayor in the civic life of the Borough.

2. Key Tasks (in no order of priority)

- 2.1 To represent the authority to the community and the community to the authority, through the various forums available.
- 2.2 To fulfil the statutory and locally determined requirements of an elected Member of a local authority and the authority itself, including compliance with all relevant codes of conduct and participation in those decisions and activities reserved to the full Council (e.g. setting budget, overall priorities and strategy).
- 2.3 To participate effectively as a Member of any Committee, forum or assembly to which the Councillor is appointed.
- 2.4 To participate in the activities of an outside body to which the Councillor is appointed, providing two-way communication between organisations; and to develop and maintain a working knowledge of the authority's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and function.
- 2.5 To participate, as appointed, in the scrutiny of the services and policies of the authority and their effectiveness in meeting the strategic objectives of the authority and the needs of its residents.
- 2.6 To assist individuals or groups to participate in the work of scrutiny committees.
- 2.7 To participate in consultative processes with the community and other organisations.

- 2.8 To act as a consultee on matters within their ward where executive and regulatory functions have been delegated to officers.
- 2.9 To develop and maintain a working knowledge of the authority's services, management arrangements, powers/duties and constraints and to develop good working relationships with relevant officers of the authority.
- 2.10 To participate fully in Councillor training and development programmes, especially those relating to statutory requirements.
- 2.11 To develop and maintain a working knowledge of the organisations, services, activities and other factors which impact upon the community's well being and identity.
- 2.12 To promote and explain the work of the Council in their communities, including liaison with parish and town councils.
- 2.13 To contribute constructively to open government and democratic renewal through active encouragement to the community to participate generally in the government of the area.
- 2.14 To participate in the activities of any political group of which the Councillor is a member.
- 2.15 To uphold the Council's Constitution and ethical standards.

Mayor

1. Overview

- 1.1 The Mayor, and in his/her absence, the Deputy Mayor, has two main roles: a ceremonial role; and a procedural role.

2. Ceremonial Responsibilities

- 2.1 To represent the whole Borough during his/her term of office.
- 2.2 To promote public involvement in the Council's activities.
- 2.3 As the first citizen of St Edmundsbury, to perform an ambassadorial role both inside and outside the Borough and to attend such civic and ceremonial functions as the Council or (s)he determines appropriate.
- 2.4 To promote St Edmundsbury in a positive manner.
- 2.5 To act as a link between the Council and various groups and organisations.

3. Procedural Responsibilities

- 3.1 To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community.
- 3.2 To uphold and promote the purposes of the Constitution, and to interpret rules of procedure at full Council meetings.
- 3.3 To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Cabinet are able to hold the Cabinet to account.
- 3.4 To call meetings of the full Council in addition to ordinary meetings.
- 3.5 To attend meetings of the Cabinet as appropriate.
- 3.6 To receive decisions and relevant papers from the Cabinet and Committees.
- 3.7 In the absence of the Chairman of the Overview & Scrutiny Committee, to consider requests for items to be considered by the Cabinet under the General Exception Procedure or in cases of special urgency.
- 3.8 To carry out the duties identified in the job description for Frontline Councillors.

Leader of the Council

1. General

The Leader of the Council will represent the Council to its citizens and partners, and provide political leadership for the Cabinet, the Council and the Borough.

2. Specific Responsibilities will be to:-

- (1) appoint Members of the Cabinet and determine portfolios;
- (2) chair the meetings of the Cabinet;
- (3) agree the schedule and venue for Cabinet meetings and make arrangements for special meetings;
- (4) prepare the Cabinet's Forward Plan of key decisions;
- (5) have an overview of , and advise on ,the policy making of the Borough;
- (6) act as Lead Member on overall strategy;
- (7) monitor the overall performance of the council in delivering the agreed policies of the Council;
- (8) co-ordinate and manage Cabinet Members;
- (9) represent Council policy to the community and Partners;
- (10) work closely with the Chief Executive on Strategic matters to ensure the co-ordination, consistency and delivery of council services;
- (11) represent the council on local, regional and national bodies;
- (12) consult with the Chief Executive on strategic or policy matters where an urgent decision or action must be taken;
- (13) promote and develop partnership working with other agencies, ensuring that the Council's priorities are met;
- (14) where necessary consult with group leaders of other political groups to expedite the efficient and effective delivery of council business;
- (15) carry out the duties identified in the job description for Frontline Councillors; and
- (16) To liaise with Chairmen and Vice-Chairmen of the Scrutiny Committees to ensure that work programmes are properly co-ordinated.

Deputy Leader of the Council

This description is written in the singular but it is possible for the Leader to appoint two deputies.

1. General Responsibilities

- 1.1 The Deputy Leader of the Council is responsible for supporting the Leader in representing the Council to its citizens and partners and providing political leadership for the Cabinet, the Council and the Borough.
- 1.2 In the absence of the Leader, the Deputy Leader is authorised to act on his/her behalf in accordance with the Council's Constitution, in particular:-
 - (a) chairing Cabinet meetings;
 - (b) preparing the Cabinet's Forward Plan of key decisions;
 - (c) consulting with the Chief Executive on strategic or policy matters where an urgent decision or action must be taken; and
 - (d) where necessary, consulting with group leaders of other political groups, the Mayor and the Chairmen of the Overview & Scrutiny Committee, Performance and Audit Scrutiny Committee and Policy Development Committees to expedite the efficient and effective delivery of council business.

2. Specific duties include:

- 2.1 To support the Leader.
- 2.2 In the absence of the Leader, to chair Cabinet meetings, conduct the Cabinet's business and present reports to Council.
- 2.3 In the absence of the Leader, to perform any other duties of the Leader, as set out in the Constitution and the Job Description for the Leader.
- 2.4 On behalf of the Leader, to represent the Council on local, regional and national bodies.
- 2.5 On behalf of the Leader, to represent Council policy to the community, partners and the media.
- 2.6 With the Leader, to attend quarterly meetings with the Chairmen and Vice-Chairmen of the Overview & Scrutiny Committee, Performance and Audit Scrutiny Committee and Policy Development Committee to ensure the work of these committees is properly co-ordinated.
- 2.7 To carry out the duties identified in the job descriptions for Cabinet Members, their own Cabinet portfolio and Frontline Councillors.

General Roles and Responsibilities of all Portfolio Holders

1. Accountability and Leadership

- 1.1 Each portfolio holder will be accountable, and provide the political leadership, for their specific areas of responsibility.

2. Shared Responsibility as a Member of the Cabinet

Responsibility for:-

- 2.1 the co-ordination, promotion and implementation of the Council's statutory plans and strategies and for the setting of the Council's objectives;
- 2.2 the oversight, development, monitoring and promotion of all services provided by the Council within the appropriate performance management framework;
- 2.3 that suitable and proper arrangements are made for the procurement, development, monitoring and promotion of all services relating to Cabinet functions which are provided under contract to the Council;
- 2.4 the promotion of the interests of the Borough, and of all the residents, businesses, other organisations and stakeholders within St Edmundsbury;
- 2.5 that a community leadership role is taken by the Council across the public, voluntary and business sectors involving the development of good and effective working links and partnerships with all sectors;
- 2.6 the promotion and implementation of an effective equal opportunity policy in relation both to the employment of staff by the Council and the delivery of services by the Council and other agencies;
- 2.7 the promotion of services which:-
 - (a) improve the safety and well being of the community;
 - (b) secure a sustainable and attractive environment;
 - (c) create a prosperous local economy; and
 - (d) raise corporate standards and efficiency.
- 2.8 improving arrangements for communicating, consulting and maintaining a dialogue with residents and service users; and
- 2.9 Members of the Cabinet also carry out the duties identified in the job description for Frontline Councillors.

3. Specific Responsibilities

Portfolio Holders will:-

- 3.1 take the leading role in the development and implementation of the policies and covered by their portfolio;
- 3.2 be responsible for ensuring the effective management and delivery of the services or functions covered by their portfolio within the following framework:-
 - (a) the Council's overall strategic, corporate and policy objectives;
 - (b) all statutory and other plans and strategies approved by the Council;
 - (c) the statutory and local obligation to ensure Best Value;
 - (d) the approved revenue and capital budgets;
 - (e) the law and the Council's Constitution; and
 - (f) the decisions made at full meetings of the Cabinet.

4. Specific roles of Portfolio Holders

Will include:-

- 4.1 advising the Council, Cabinet or Overview & Scrutiny Committee on matters concerning the implementation, monitoring and performance of services, groups of services, initiatives and projects;
- 4.2 monitoring the performance of portfolio functions and activities to ensure corporate objectives and targets are achieved;
- 4.3 advising and consulting with officers on matters of significance for Council policy and its implementation;
- 4.4 representing the Council's views to other agencies, community interests and local media;
- 4.5 formally representing the Cabinet at meetings and panels of the Overview & Scrutiny Committee, Performance and Audit Scrutiny Committee and Policy Development Committee;
- 4.6 liaising with other lead members and officers on strategic matters to ensure proper co-ordination, consistency and seamless delivery of services within Council policy;
- 4.7 chairing, from time to time, meetings of members and officers and with Council partners;
- 4.8 assisting in the development of work programmes, Forward Plans and the setting of agendas;
- 4.9 presenting and reporting issues to the Council, its committees and members' seminars;
- 4.10 being consulted as part of any decision-making processes within their portfolio which have been delegated to officers; and
- 4.11 being consulted on any matters of urgency which an officer needs to act upon prior to a member decision.

Chairmen of the Scrutiny Committees (Overview and Scrutiny Committee, Performance and Audit Scrutiny Committee and Policy Development Committee)

1. General Responsibilities

1.1 The Chairmen of the Overview & Scrutiny, Performance and Audit Scrutiny Committee and Policy Development Committees are responsible for the effective management and running of the Committees' business. This involves:-

- (a) directing the Committees' work programmes;
- (b) the effective management of Committee deliberations; and
- (c) maintaining a public image of effective scrutiny of the Council's business and other matters brought before the Committee.

1.2 The Chairmen of the Overview and Scrutiny and Policy Development Committees are expected to identify areas for inclusion in the Committee's work programme and to ensure that Committee Members are taking part at all stages in deliberations.

1.3 Using the Committee's agreed work programme, the Chairman shall have responsibility for assisting the Scrutiny Manager in the preparation of the agenda for meetings of the Committee.

2. Specific duties include:

2.1 To chair meetings of the Committee.

2.2 In the case of the Chairmen of the Overview and Scrutiny and Policy Development Committees, to present to the Cabinet or Council reports of individual scrutiny reviews following the completion of such reviews (although this may be delegated to the Chairman of a review panel).

2.3 To present and monitor progress in respect of the Committee's work programme, including reports to full Council.

2.4 To receive decisions and relevant papers from the Cabinet.

2.5 To consider requests for items to be considered by the Cabinet under the General Exception Procedure or in cases of special urgency.

2.6 To liaise regularly (at least quarterly) with the Leader and the Chairmen and Vice-Chairmen of the other scrutiny committees to ensure that work programmes are properly coordinated.

2.7 In the case of the Chairmen of the Overview and Scrutiny and Policy Development Committees, in conjunction with the Scrutiny Manager, to lead Members in the drawing up of terms of reference for individual scrutiny reviews.

- 2.8 In conjunction with the Vice-Chairman to give initial consideration to first draft of reports to the Committee.
- 2.9 In conjunction with the Vice-Chairman to determine appropriate means of inviting and involving public comment and representations on matters under scrutiny.
- 2.10 In conjunction with the Vice-Chairman to ensure appropriate expert and specialist advice is made available to the Committee, including the use of advisory groups and non-voting co-optees.
- 2.11 To commission appropriate research based on Committee decisions.
- 2.12 To determine, in conjunction with the Scrutiny Manager, arrangements for special meetings of the Committee.
- 2.13 To ensure Committee Members benefit from appropriate training and development to deal effectively with the Committee's business.
- 2.14 In conjunction with the Scrutiny Manager to monitor the budget(s) for the Scrutiny Committees and to act as a consultee when necessary for the authorisation of such expenditure.
- 2.15 To focus on external bodies in accordance with national guidance.
- 2.16 To carry out the duties identified in the job description for Frontline Councillors.

Vice-Chairmen of the Scrutiny Committees (Overview and Scrutiny Committee, Performance and Audit Scrutiny Committee and Policy Development Committee)

1. General Responsibilities

- 1.1 The Vice-Chairmen of the Overview & Scrutiny Committee, Performance and Audit Scrutiny Committee and the Policy Development Committees are responsible for supporting the Chairman in the effective management and running of the Committee's business.
- 1.2 In the absence of the Chairman, the Vice-Chairman will chair Committee meetings and conduct its business. This involves:-
 - (a) directing the Committee's work programme;
 - (b) the effective management of Committee deliberations; and
 - (c) maintaining a public image of effective scrutiny of the Council's business and other matters brought before the Committee.
- 1.3 The Vice-Chairman is expected to support the Chairman in identifying areas for scrutiny and ensuring that Committee members are taking part at all stages in deliberations.

2. Specific duties include:

- 2.1 To support the Chairman and, in the absence of the Chairman, to chair meetings, conduct the Committee's business and present scrutiny reports to Council.
- 2.2 To receive decisions and relevant papers from the Cabinet.
- 2.3 In conjunction with the Chairmen, to liaise regularly (at least quarterly) with the Leader and the Chairman and Vice-Chairmen of the other Scrutiny Committees to ensure that work programmes are properly coordinated.
- 2.4 In the case of Vice-Chairmen of the Overview and Scrutiny and Policy Development Committees, in conjunction with the Chairman and Scrutiny Manager, to lead Members in drawing up terms of reference for individual scrutiny reviews for submission to the Committee.
- 2.5 In conjunction with the Chairman, to determine appropriate means of inviting and involving public comment and representations on matters under scrutiny.
- 2.6 In conjunction with the Chairman, to give initial consideration to first draft reports to the Committee.
- 2.7 In conjunction with the Chairman, to ensure appropriate expert and specialist advice is made available to the Committee, including the use of advisory groups and non-voting co-optees.

- 2.8 In conjunction with the Chairman, to commission appropriate research based on Committee decisions.
- 2.9 To carry out the duties identified in the job descriptions for Frontline Councillors.

Members of the Scrutiny Committees (Overview and Scrutiny Committee, Performance and Audit Scrutiny Committee and Policy Development Committee)

1. General Role and Responsibilities

1.1 The general role of a member of any scrutiny committee or panel is to:-

- (a) Ensure that the Council meets the needs of local people;
- (b) Improve future performance and achieve Best Value;
- (c) Make explicit the required performance of services;
- (d) Check whether desired results are being achieved;
- (e) Identify errors in policy, implementation, and procedures;
- (f) Enable action to be taken when things go wrong;
- (g) Enhance accountability by demonstrating successes and highlighting problems;
- (h) Maximise value for money; and
- (i) Enhance councillor and public involvement in the scrutiny process.

1.2 Scrutiny members will fulfil these duties by:-

- (a) Monitoring Service delivery/performance;
- (b) Monitoring and assisting in the development of budgets;
- (c) Scrutinising policy outcomes;
- (d) Scrutinising and reviewing policies, practices and internal controls;
- (e) Carrying out Best Value Reviews;
- (f) Developing new thinking on policies, strategies and procedures; and
- (g) Holding Cabinet members accountable for their decisions.

1.3 The principles by which members of scrutiny committees will operate, and which will underpin their work are:-

- (a) Be user focused and evidence based;
- (b) Take account of public views;
- (c) Be an independent process, being both apolitical and separate from the Cabinet;
- (d) No members should scrutinise their own decisions or areas of responsibility;
- (e) Members will avoid conflicts of interest; and
- (f) Be inquisitive rather than inquisitorial; identify ways of improving rather than seeking to blame.

2. Specific duties include:

2.1 Although the functions may be split across the three committees, broadly speaking, the specific duties of a scrutiny committee member will include:-

- (a) To carry out the functions of the Committees in accordance with the Council's constitution;

- (b) To be actively involved in the development and review of the Committee's work programme;
- (c) To impartially challenge and evaluate the actions of the Cabinet both before and after actions are taken by:-
 - (i) questioning the basis for decisions;
 - (ii) ensuring the policies proposed are consistent with the Council's aims and objectives and the needs of the community;
 - (iii) ensuring that the views of the non-Cabinet members and the wider community are taken into account by the Cabinet; and
 - (iv) making recommendations for further action or amendments to the Cabinet or full Council.
- (d) To consider and investigate policy issues and make recommendations to the Cabinet or the Council.
- (e) To review and monitor performance and operational effectiveness in service areas or themes.
- (f) To assist in the development and prioritisation of budgets and service plans, in accordance with the Council's Corporate Plan
- (g) To serve on panels established by the Overview and Scrutiny and Policy Development Committees to carry out detailed work and reviews.
- (h) To be proactive in seeking information about, and to be aware of:-
 - (i) all Council activities, including existing and new policies, procedures and key issues; and
 - (ii) the formulation and management of the Council's budget.
- (i) To be aware of national developments and best practice relating to scrutiny and to keep the effectiveness of the process under review.
- (j) To participate in specific training provided for the scrutiny function.
- (k) To carry out the duties identified in the job description for Frontline Councillors.

Committee Chairman

*(This Job Description **excludes** the Standards Committee, Overview & Scrutiny Committee, Performance and Audit Scrutiny Committee and Policy Development Committee. Although aimed at the other formal Committees, it does also apply to panels and working parties.)*

1. General Responsibilities

1.1 The Chairman of a Committee is responsible for the effective management of the Committee's business. In addition to the specific duties below, this involves:-

- (a) ensuring the overall effectiveness of the Committee, including agenda planning;
- (b) maintaining a public image that the work of the Committee is effectively managed; and
- (c) ensuring that Committee Members are fully involved in the deliberations of the Committee.

2. Specific duties include:

- 2.1 To have a working knowledge of the Council's relevant policies and strategies and ensure he/she is sufficiently and effectively briefed on matters coming before the Committee.
- 2.2 To chair meetings of the Committee in accordance with the principles of decision-making in Article 12 of the Constitution, and with regard to any other statutory, constitutional or procedural requirements.
- 2.3 To present to the Cabinet, Committees or Council any reports of the Committee.
- 2.4 In consultation with the Head of Communications, where appropriate, to act as an external spokesperson and representative of the Committee if required.
- 2.5 To monitor progress in respect of any work programmes or performance targets for the Committee, and report as necessary.
- 2.6 Where specified by the Constitution, to act as a consultee for any functions of the Committee which have been delegated to officers.
- 2.7 To liaise with the Leader, portfolio holders and the Chairmen of other committees, as necessary, to ensure the proper coordination of Council business.
- 2.8 To ensure appropriate expert and specialist advice is made available to the Committee.
- 2.9 To consider requests for items to be considered in cases of special urgency.
- 2.10 To determine arrangements for special meetings of the Committee.

- 2.11 To ensure Committee Members benefit from appropriate training and development to deal effectively with the Committee's business.
- 2.12 In conjunction with the officers, to monitor any budget(s) for the Committee and to act as a consultee when necessary for the authorisation of such expenditure.
- 2.13 To carry out the duties identified in the job description for Frontline Councillors.

Group Leaders

1. Overview

- 1.1 The Council recognises the key leadership role played by the leaders of all groups on the Council, and the importance of their commitment to cross-party working.
- 1.2 In recognising this role, the Council will ensure that group leaders have access to appropriate support and advice from officers in accordance with the Protocol in Member/Officer Relations.

2. Specific duties include:

- 2.1 To provide leadership to their party group.
- 2.2 To ensure their group contributes effectively, positively and constructively to the Council's activities, including the work of overview and scrutiny committees and opposition to the majority group.
- 2.3 To instil a sense of responsibility and accountability amongst members of their group.
- 2.4 To assist in ensuring appropriate standards and levels of attendance are maintained and, in this respect, to act as the first point of reference for their group.
- 2.5 To act as the principal political spokesman for their group.
- 2.6 To represent their group as required, including as a consultee if required.
- 2.7 To nominate members of their group to serve on committees, working parties, panels and outside bodies in accordance with the political balance rules.
- 2.8 In conjunction with other group leaders, to nominate the chairmen and vice-chairmen of the scrutiny committees at the annual meeting of the Council.
- 2.9 To act as a consultee if consultation with group leaders is required on any matter.
- 2.10 To encourage a culture of learning and development among Members of the Council, including the active participation of their group in briefings, seminars and training events, and to liaise with the officers in respect of specific needs of members of their group.
- 2.11 To carry out the duties identified in the job description for Frontline Councillors.