


Extraordinary (Informal Joint) Council



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda
Date:	Tuesday 17 November 2015
Time:	<p>6.30 pm Public Participation Members of the public who live or work in the Borough (<i>or Forest Heath District</i>) are invited to put one question of not more than five minutes duration, and must be limited to the business to be transacted in Part 1(A) of the agenda only.</p> <p>For further information on the procedure rules regarding this item, see agenda item 3 below.</p> <hr/> <p>6.30pm (<i>or at the conclusion of public participation, whichever is the later.</i>) Informal discussions with Forest Heath District Council on the substantive items listed below under Items 4. to 6. to be held in the Conference Chamber.</p> <hr/> <p>7.00 pm The formal meeting of Council will commence at 7.00pm or immediately following the conclusion of the informal discussions, whichever is the later, in the Conference Chamber.</p>
Venue:	<p>Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU</p>
Membership:	<p>All Councillors</p> <p>You are hereby summoned to attend a meeting of the Council to transact the business on the agenda set out below.</p> <p></p> <p>Ian Gallin Chief Executive 9 November 2015</p>

Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Committee administrator:	Claire Skoyles SEBC Cabinet Officer/Committee Administrator Tel: 01284 757176 Email: claire.skoyles@westsuffolk.gov.uk

Public Information

Venue:	West Suffolk House Western Way Bury St Edmunds Suffolk IP33 3YU	Tel: 01284 757176 Email: democratic.services@westsuffolk.gov.uk Web: www.stedmundsbury.gov.uk
Access to agenda and reports before the meeting:	Copies of the agenda and reports are open for public inspection at the above address at least five clear days before the meeting. They are also available to view on our website.	
Attendance at meetings:	The West Suffolk Councils actively welcome members of the public and the press to attend meetings and hold as many of their meetings as possible in public.	
Public questions:	Members of the public may ask questions of Members of the Cabinet or any Committee Chairman at ordinary meetings of the Council. 30 minutes will be set aside for persons in the public gallery who live or work in the District or Borough to ask questions about the work of the Council. 30 minutes will also be set aside for questions at special or extraordinary meetings of the Council, but must be limited to the business to be transacted at that meeting.	
Disabled access:	West Suffolk House has facilities for people with mobility impairments including a lift and wheelchair accessible WCs. However in the event of an emergency use of the lift is restricted for health and safety reasons. Visitor parking is at the car park at the front of the building and there are a number of accessible spaces.	
Induction loop:	An Induction loop is available for meetings held in the Conference Chamber.	
Recording of meetings:	The Council may record this meeting and permits members of the public and media to record or broadcast it as well (when the media and public are not lawfully excluded). Any member of the public who attends a meeting and objects to being filmed should advise the Committee Administrator who will instruct that they are not included in the filming.	

Agenda

Procedural Matters

All Members of Forest Heath District Council will be in attendance to enable informal discussions on the reports listed in Items 4. to 6. inclusive below to take place between the two authorities.

On the conclusion of the informal discussions, St Edmundsbury Borough Council will hold its formal meeting in the **Conference Chamber**, as follows:

Part 1(A) – Public

Page No

1. Apologies for Absence

To receive announcements (if any) from the officer advising the Mayor (including apologies for absence)

2. Declarations of Interests

Members are reminded of their responsibility to declare any pecuniary or local non pecuniary interest which they have in any item of business on the agenda **no later than when that item is reached** and, when appropriate, to leave the meeting prior to discussion and voting on the item.

3. Public Participation

(Public speaking on Items 4. to 6. below was undertaken at the beginning of the informal discussions, to allow all Members to consider the issues raised by members of the public. Public speaking on Items 7. and 8. below will be subject to the following rules.)

(Council Procedure Rules: Section 6)

(Note: The maximum time to be set aside for this item is 30 minutes, but if all questions are dealt with sooner, or if there are no questions, the Council will proceed to the next business.

*Each person may ask **one** question only. A total of **five minutes will be allowed for the question to be put and answered.** One further question will be allowed arising directly from the reply, **provided that the original time limit of five minutes is not exceeded.***

***Written questions** may be submitted by members of the public to the Service Manager (Democratic Services and Elections) **no later than 10.00 am on Monday 16 November 2015.** The written notification should **detail the full question** to be asked at the meeting of the Council.)*

(Following the informal discussions held with Forest Heath District Council (FHDC) on Items 4. to 6. below, Members are asked to refrain from partaking in any further discussion. Separate formal meetings of both FHDC and St Edmundsbury Borough Council (SEBC) will then commence with Members being requested to formally resolve Items 4. to 6. below before SEBC commences separate consideration of Items 7. and 8.)

4. Business Case to Establish a Housing Development Company 1 - 46

Report No: **COU/SE/15/031**

(For reference purposes, Forest Heath District Council's Report Number is COU/FH/SE/036)

5. Review of the Constitution: Part 3 - Functions and Responsibilities 47 - 158

Report No: **COU/SE/15/032**

(For reference purposes, Forest Heath District Council's Report Number is COU/FH/15/037)

6. Referral from West Suffolk Joint Independent Remuneration Panel (Selection Panel): 28 October 2015 Forest Heath District Council and St Edmundsbury Borough Council Members' Allowances Schemes

Summary and Reasons for Recommendations:

The West Suffolk Joint Independent Remuneration Panel (Selection Panel) met on 28 October 2015 and were informed that four applications had been received for the six places on the West Suffolk Joint Independent Remuneration Panel. The Selection Panel agreed further recruitment should be undertaken to appoint six members from 1 June 2016. In the interim period, the four applicants should be appointed to undertake an interim review of both Forest Heath District Council and St Edmundsbury Borough Council Members' Allowances Schemes, with a full review to be conducted following the appointment of a new Panel from 1 June 2016.

Recommendations:

It is **RECOMMENDED** that:

- (1) Kathy Finney, Cyril Leach, David Ray and Kevin Sturgeon be appointed as members of the West Suffolk Joint Independent Remuneration Panel until 31 May 2016 to conduct an interim review of both Forest Heath District Council and St Edmundsbury Borough Council Members' Allowances Schemes; and

Cont/d...

- (2) the members of the West Suffolk Joint Independent Remuneration Panel receive £100 for attendance per meeting, plus reimbursement of travel expenses based on the rates applicable to elected Members of the West Suffolk Councils.

Part 1(B) – Public

7. Suffolk Business Park and Eastern Relief Road

Report No: **COU/SE/15/033 TO FOLLOW**

8. Referrals report of recommendations from Cabinet: 20 October 2015

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Report No: **COU/SE/15/034**

Referrals from Cabinet: 20 October 2015

1. Enterprise Zones
Cabinet Member: Cllr Alaric Pugh
2. Transfer of Street Lighting Columns to Suffolk County Council
Cabinet Member: Cllr Peter Stevens
3. Hopton Village Hall Site and Sarson's Field:
Development Brief
Cabinet Member: Cllr Alaric Pugh

9. Exclusion of Press and Public

To consider whether the press and public should be excluded during the consideration of the following items because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt categories of information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972, and indicated against each item and, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Part 2 – Exempt

10. Business Case to Establish a Housing Development Company (para 3)

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Exempt Appendices B, C and D to Report No: **COU/SE/15/031**

Extraordinary (Informal Joint) Council



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Business Case to Establish a Housing Development Company	
Report No:	COU/SE/15/031	
Report to and date:	Extraordinary Council	17 November 2015
Portfolio holder:	Sara Mildmay-White Portfolio Holder for Housing (West Suffolk's Lead Member for Housing) Tel: 01359 270580 Email: sara.mildmay-white@stedsbc.gov.uk	
Lead officer:	Simon Phelan Head of Housing Tel: 01638 719440 Email: simon.phelan@westsuffolk.gov.uk	
Purpose of report:	To present to Members the business case for establishing a commercial company limited by shares for the purpose of developing housing for sale and private rent, and affordable rent and low-cost home ownership in line with the Councils' existing planning policies. The company would be wholly-owned by Forest Heath District Council (25% of shares), St Edmundsbury Borough Council (25%) and Suffolk County Council (50%) and will provide a revenue income to all Councils.	
Recommendation:	<p>It is <u>RECOMMENDED</u> that, as detailed in Report No: COU/SE/15/031, Council approves:</p> <ol style="list-style-type: none"> 1. The establishment of a Housing Development Company incorporated as a company limited by shares that will be jointly owned by Suffolk County Council (50% of shares), Forest Heath District Council (25% of shares) and St Edmundsbury Borough Council (25% of shares). 2. St Edmundsbury Borough Council's full Council assumes the role of Shareholder in St Edmundsbury. 	

3. A Shareholder Advisory Group be established with the purpose of advising each Council when exercising its role as Shareholder consisting of two elected members from Forest Heath District Council, two from St Edmundsbury Borough Council and four from Suffolk County Council, with advice provided by senior officers of all Councils. The identification of St Edmundsbury Borough Council's nominations to the Shareholder Advisory Group be delegated to the Leader of St Edmundsbury Borough Council acting in consultation with West Suffolk's Lead Member for Housing.
4. The composition of the Company's Board of Directors to be one director from Forest Heath District Council who shall be an officer of West Suffolk Councils, one director from St Edmundsbury Borough Council who shall be an officer of West Suffolk and two directors from Suffolk County Council (anticipated to be officers of Suffolk County Council), with up to an additional three directors appointed by the unanimous decision of the Shareholders.
5. The recommendation of St Edmundsbury Council's Overview and Scrutiny Committee held on 15 October 2015 that the criteria for selection of the three additional directors as specified in the fourth bullet of paragraph 3.29 in Appendix A be amended to read *"up to three additional directors unanimously approved by the three Shareholder Councils. These will be 'independent' individuals selected for their relevant expertise and experience"*.
6. Authority to nominate St Edmundsbury's director be delegated to the Joint West Suffolk Chief Executive in consultation with West Suffolk's Lead Member for Housing or the Leader of St Edmundsbury Borough Council.
7. That the approval of the Memorandum and Articles of Association be delegated to the Head of Housing and the Monitoring Officer, acting in consultation with West Suffolk's Lead Member for Housing and Suffolk County Council's Director of Resources, who will act in consultation with Suffolk County Council's Cabinet Member for Finance.
8. Authority to negotiate and finalise the Shareholder Agreement be delegated to the Head of Housing and the Monitoring Officer, acting in consultation with the West Suffolk's Lead Member for Housing and Suffolk County Council's Director of Resources, who will act in consultation with Suffolk County Council's Cabinet Member for Finance.

9. That the naming of the Housing Development Company be delegated to the Head of Housing, acting in consultation with the Service Manager (Corporate Communications), West Suffolk's Lead Member for Housing and Suffolk County Council's Director of Resources, who will act in consultation with Suffolk County Council's Cabinet Member for Finance.
10. Authority to complete and submit the necessary documentation for incorporation be delegated to West Suffolk's Monitoring Officer, acting in consultation with West Suffolk's Head of HR, Legal and Democratic Services and Head of Housing and officers from Suffolk County Council.
11. That *in principle agreement* is given to the disposal of St Edmundsbury Borough Council's assets (land and/or buildings) to the Company at market rates.
12. That *in principle agreement* is given to provide to the Company funding through state aid compliant loans in line with St Edmundsbury Borough Council's existing Loans Policy.
13. A contribution of £125,000, funded from St Edmundsbury Borough Council's Strategic Priorities and Medium Term Financial Strategy reserve, to a total working capital loan of £500,000 subject to contributions from all Councils in the following proportions; Forest Heath District Council (25%), St Edmundsbury Borough Council (25%) and Suffolk County Council (50%).
14. That authority to negotiate and approve any staffing or TUPE matters arising in the future in connection with the Company's operations be delegated to the Head of HR, Legal and Democratic Services acting in consultation with the Head of Finance and Resources (s151 officer) and appropriate Suffolk County Council officers.
15. Once the Company's first Annual Business and Delivery Plan has been submitted to Shareholders (Forest Heath District Council, St Edmundsbury Borough Council and Suffolk County Council) and approved by the Shareholders (Forest Heath District Council's full Council, St Edmundsbury Borough Council's full Council and Suffolk County Council's Cabinet), the Company may start trading.
16. Council notes the detailed financial modelling contained in the exempt Appendices B, C and D, and notes the financial viability of the exemplar sites appraised.

<p>Key Decision:</p> <p><i>(Check the appropriate box and delete all those that do not apply.)</i></p>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p> <p>As it is a full Council decision and not a Cabinet decision.</p>
<p>Consultation:</p>	<ul style="list-style-type: none"> • Homes and Communities Agency • Internal – Finance, Legal, HR • Suffolk County Council
<p>Alternative option(s):</p>	<p>The alternatives explored were:</p> <ul style="list-style-type: none"> • ‘do nothing’ beyond supporting new housing through traditional means, including disposing of land and/or providing financial grants to housing associations. REJECTED – the development company approach affords a better use of limited financial resources and is in line with the Councils’ commercial approach • the Councils to build directly. REJECTED – local authorities do not have powers to directly undertake commercial activity but can do so through a company • joint venture model with a private developer. REJECTED – this option would take significant time to establish, the structure would compromise flexibility, notably the Councils and partner would have to reach a mutual agreement to dissolve the company, and revenue income would have to be shared.
<p>Implications:</p>	
<p><i>Are there any financial implications? If yes, please give details</i></p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Refer to:</p> <ul style="list-style-type: none"> • Section 2; and • Appendix A, Section 5.
<p><i>Are there any staffing implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Refer to:</p> <ul style="list-style-type: none"> • Section 3.
<p><i>Are there any ICT implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>None arising from this report.</p>
<p><i>Are there any legal and/or policy implications? If yes, please give details</i></p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Refer to:</p> <ul style="list-style-type: none"> • Section 5; and • Appendix A, Section 3.
<p><i>Are there any equality implications? If yes, please give details</i></p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Refer to:</p> <ul style="list-style-type: none"> • Section 6; and • Appendix E.

Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Business case insufficiently robust / not tested	Medium	Employment of specialist financial consultants Sensitivity analysis carried to test impact of negative movement on key assumptions Scrutiny of external modelling by Finance staff	Low
Insufficient expertise to ensure achievement of best value in property construction	Medium/High	Include within the business modelling of the costs of an Employer's Agent to oversee the development process Provision for recruiting Company directors with background in development Use of Homes and Communities Agency's framework agreements for technical consultants and construction	Low/Medium
Adverse movements in the housing market, such as property sales and/or rental price deflation, higher than anticipated building cost inflation leading, leaving the Company committed to unviable schemes	Medium	Consideration of viability on a site-by-site basis so that if a scheme is not modelled to be viable, commencement is delayed or cancelled With assistance of the Employer's Agent, keep up-to-date with building costs and the like	Low
Ward(s) affected:		Potentially all wards	
Background papers:		None	
Documents attached:		<p>Appendix A – Full Business Case for the Establishment of a Housing Development Company wholly-owned by Forest Heath District Council, St Edmundsbury Borough Council and Suffolk County Council</p> <p>Appendix B – EXEMPT GVA's Site Appraisal Report – September 2015</p> <p>Appendix C – EXEMPT First ten years' estimated profit and loss for the Company based on the four exemplar schemes</p> <p>Appendix D – EXEMPT Estimated Company expenditure in its first year</p> <p>Appendix E – Equalities Impact Assessment</p>	

1. Context and Strategic Case

Consideration by Overview and Scrutiny and Cabinet

- 1.1 This report and associated appendices presents the business case for establishing a company, wholly owned by Forest Heath District Council, St Edmundsbury Borough Council and Suffolk County Council, for the purpose of generating revenue and capital income through developing housing for sale and private rent, and in doing so developing affordable homes to rent or buy in line with existing planning policies.
- 1.2 The business case was considered by St Edmundsbury Borough Council's Overview and Scrutiny Committee on 15 October 2015. The Committee discussed the governance arrangements and in particular the criteria for the selection of the three directors of the Company's Board that would be additional to those nominated by each of the Councils (Forest Heath, St Edmundsbury and Suffolk County Council). The Committee approved the business case and recommendations for consideration by full Council, with one recommended amendment that the criteria specified in the fourth bullet of paragraph 3.29 in Appendix A should read "*up to three additional directors unanimously approved by the three Shareholder Councils. These will be 'independent' individuals selected for their relevant expertise and experience*".
- 1.3 The business case was then considered by St Edmundsbury Borough Council's Cabinet on 27 October 2015. Following debate, Cabinet approved the business case and recommendations for consideration by full Council, with one amendment to the recommendation regarding the nomination of board directors – see recommendation (6) above. Originally it was recommended that authority to nominate an officer to the board be delegated to the Joint Chief Executive for West Suffolk Councils. Cabinet amended this recommended delegation such that the Chief Executive must act in consultation with West Suffolk's Lead Member for Housing or the Leader of St Edmundsbury Borough Council.
- 1.4 It is these amended recommendations that are now put before Council for consideration.

Strategic case

- 1.5 St Edmundsbury Borough Council, like Forest Heath District Council, is facing significant reductions in government grant funding and so is looking to be more innovative and behave in more commercial ways to address revenue shortfalls while addressing local issues. Establishing a Housing Development Company would contribute toward generating revenue and capital income at a greater level than simply selling the Council's land assets.
- 1.6 The rationale for exploring and proposing the setting up of a company was set out within the West Suffolk Housing Strategy 2015-18, see paragraphs 1.4 – 1.9 of Appendix A for further details.
- 1.7 The Company would make a significant contribution to West Suffolk's three key priorities in the following ways:
 - *Increased opportunities for economic growth.* Most notably the construction of new homes will provide (a) direct employment in

construction, (b) employment through the supply chain and (c) skills development, for example training and apprenticeships

- *Resilient families and communities that are healthy and active.* Most notably access to high quality homes will improve the well-being and both the mental and physical health of local residents who currently struggle to secure suitable accommodation or live in accommodation that is unsuitable for their needs
- *Homes for our communities.* The Company will provide new homes for sale and private rent, and, to comply with planning policies, affordable rent and low cost home ownership. Adherence to planning policies will ensure the affordable homes meet the specific needs of local people, including provision of specialist accommodation. In addition, should certain accommodation be viable, for example specialist housing, this is likely to stimulate movement within the housing market, freeing up larger homes in all tenures.

2. Commercial and Financial Case

Financial Viability Modelling of Site Development by a Company

- 2.1 In order to assess the commercial and financial case, or not, for establishing a company for the purpose of generating revenue and capital income through developing housing for sale and private rent, GVA Consulting were commissioned by the Councils (Forest Heath, St Edmundsbury and Suffolk County Council), to provide modelling for the viability of four exemplar sites identified as part of this project.
- 2.2 In summary, GVA's analysis indicates that all four exemplar development sites are able to support financially viable schemes. Sensitivity testing carried out by GVA further indicates that the four exemplar schemes would all remain viable with positive, albeit reduced, profits available for distribution as dividends to Shareholders even if build cost inflation rose above assumptions, house price inflation dropped to just 1% a year for the duration of the build and sale period, rental inflation fell considerably, and as many as 5% of private and affordable rented properties were standing empty at all times, with land receipts, while remaining a market value, being slightly lower than assumed in the base model. See section 5 of Appendix A for greater detail of the financial modelling.

The Councils as Funders

- 2.3 The Company will have no financial resources to pay for the construction of the homes, and so the assumption is that the Councils lend the Company money. The primary task for the Councils when acting in the Funder Role will be to assess the Company's viability as an entity and the viability of each project for which loan funding is being sought.
- 2.4 It should be noted that the modelling contained with Appendices A, B, C and Appendix D assumes a certain loan structure, with some loans linked to security, and interest return. However no loans will be granted until a full business plan is established by the Housing Development Company and presented in the first Annual Business and Delivery Plan and approved by the Shareholders. The Councils as funders will at this point need to consider loan policy compliance and their risk appetite when it comes to loan security as well

as ensuring compliance with state aid rules, taking into account that the Company will have limited assets or security.

- 2.5 The Funder Role also incorporates regularly monitoring and analysing financial information generated by the Company during the lifetime of each loan to ensure that the Company is not in breach of key financial requirements which would be stipulated as funding conditions for each loan.

Financial Benefits of the Councils establishing a Housing Development Company

- 2.6 There are a series of ways in which the Councils will be able to generate financial income through a wholly-owned company. Notably:

- **receipts from land sold by the Councils to the Company.** Land would be sold at market value, in line with State Aid regulations. For modelling purposes, the assumption made is that the land-owning Council would derive a receipt plus an 'interest' payment in respect of the time between disposal of the land to the Company and actual payment for the land, this would typically be once properties have been sold and/or sufficient rental income generated. However, as noted in the main body, decisions about loans will be made at a later date and the Councils will need to consider suitable structures, taking account of factors such as loan policy compliance and risk appetite regarding loan security, as well as ensuring compliance with state aid rules
- **interest on loans to the Company.** The Councils have the power to make loans; commercial rates would need to be applied to be compliant with State Aid regulations. This could attract a margin over the Councils' own cost of (internal) borrowing
- **distributions of profit made by the Company through dividends.** The Company will derive an income from (a) ground rents, (b) rental income, net of management and maintenance costs, and/or (c) sales and uplift in the capital value of its assets, net of any overage agreements in place. These profits, net of tax, would be distributed to the Shareholders (the Councils)
- **purchase of services from any of the Councils.** The Company may wish to purchase services such as housing development expertise, legal, HR or IT support from any of the Councils at a market rate. At this stage the assumption has been made that the Councils will be able to support these services from within existing staff resources.

- 2.7 Appendix A details the capital cash flows and revenue benefits for the West Suffolk Councils (and Suffolk County Council). This project will be referred to within the Council's Medium Term Financial Strategy (MTFS) as a key strategic project for generating additional income in 2017/18. However no value will be assumed within the MTFS for these returns until a full business plan is established by the Housing Development Company and approved by the Shareholders – section 6 provides the timetable and next steps to establish this business plan.

Provision of working capital

- 2.8 As the Company will not have any resources at the outset, it is likely that provision will be required for working capital balances for the Housing Development Company. Initial modelling suggests around £150,000 costs in the first year in advance of requiring the monies for payment of construction contractors. It is proposed that this is funded from the Council's Strategic Priorities and Medium Term Financial Strategy reserve.
- 2.9 This would be an unsecured loan agreement and would accrue a 10% rate of return. It is proposed that a facility of £500,000 – split Forest Heath District Council (25%), St Edmundsbury Borough Council (25%) and Suffolk County Council (50%) – is provided to enable the Housing Development Company to start transacting.
- 2.10 Appendix D includes a breakdown of the anticipated activities of the Company within the first year, with the attached costs.

Revenue resources to complete the feasibility work prior to incorporation of the Company

- 2.11 A provision of £90,150 (equally split between Forest Heath District Council and St Edmundsbury Borough Council) has been made to fund the feasibility and legal costs up to incorporation. Suffolk County Council has subsequently agreed to meet 50% of feasibility works that are not solely for the benefit of West Suffolk Councils.
- 2.12 At the end of September, £43,600 had been spent (net of Suffolk County Council contributions). Thus, there is £46,550 available for completion of the necessary legal works for incorporation and final GVA works. These remaining works are estimated to cost around £40,000 (West Suffolk Councils' share), thus no additional budget is being sought in this report.

3. Human Resources Implications

- 3.1 It is not anticipated that any officers will be eligible for TUPE transfer to the Housing Development Company.
- 3.2 If, at a future time, there are any employment-related costs, these will be shared on the following basis; Forest Heath District Council (25%), St Edmundsbury Borough Council (25%) and Suffolk County Council (50%).

4. ICT Implications

- 4.1 None arising from this report. However the Housing Company will need to consider its ICT requirements.

5. Legal Implications

- 5.1 Expert legal opinion has been provided by Trowers and Hamblins. Their advice is that the Councils can rely on the general power of competence as defined in the Localism Act 2011 to provide market housing subject to the Councils forming a Company through which to trade. In order to provide market housing, the Company like all housing developers will need to comply with St Edmundsbury Borough Council's (and Forest Heath District Council's) planning policies, most

notably the requirement that 30% of homes on sites of 10 or more properties must be affordable housing.

- 5.2 The Localism Act 2011 requires that a trading company should be a company limited by shares, a company limited by guarantee or a community benefit society. Trowers and Hamlins have advised that the company limited by shares structure is the most appropriate and this is the company structure now proposed. See paragraphs 3.5 – 3.11 of Appendix A for a fuller discussion of company structures.
- 5.3 The Company will require a Memorandum and Articles of Association to be drawn up, with an optional Shareholders Agreement also proposed here. Trowers and Hamlins are assisting in the drafting of this documentation. The Company will be required to register with Companies House. Delegations are sought in this report to proceed to registration and incorporation of the Company.
- 5.4 See section 3 in Appendix A for further details.

6. Equalities Implications

- 6.1 A detailed Equalities Impact Assessment has been completed - see Appendix E.
- 6.2 Of note, the analysis has found that providing some affordable housing in compliance with planning policies will particularly assist disabled people and those over-represented on the Housing Register and/or having lower level earnings, including people from some black and minority ethnic backgrounds.

7. Timetable and next steps

- 7.1 The overall timetable and next steps to incorporate the Company and commence the first development are as follows.

17 November 2015	Forest Heath District Council full Council St Edmundsbury Borough Council full Council
December 2015	Completion of Memorandum and Articles of Association and Shareholders Agreement
January 2016	Incorporation of the Company
February 2016	First draft of Company's Annual Business and Delivery Plan produced
March – April 2016	Approval by the Shareholders (the Councils) of the first Annual Business and Delivery Plan
April – May 2016	Submission of Planning Application for first site
Spring 2016	Procurement of Employer's Agent for first site
Summer 2016	Procurement of construction contractor for first site
Autumn 2016	Start on site at first site

Full Business Case for the Establishment of a Housing Development Company wholly-owned by Forest Heath District Council, St Edmundsbury Borough Council and Suffolk County Council

1. Background

- 1.1 Increasingly, local authorities are looking to act more commercially in order to generate revenue income to meet local priorities, particularly since the Localism Act 2011 has given greater freedoms and flexibilities to Councils wishing to establish companies. This is in keeping with West Suffolk's Strategic Plan.
- 1.2 With specific regard to acting more commercially in the housing market, the recent national Elphicke-House report (2015) set out how Councils could and should become Housing Delivery Enablers. The report suggests that a move towards Councils acting as developers and private landlords would be a positive shift, helping to ensure that the local housing needs and demands of an area can be best met.
- 1.3 In a recent Ministerial Housing Statement on 20th March 2015, Brandon Lewis MP signaled the Government's support for Councils setting up local housing companies. This includes developing new homes for market sale and private rent. It must be noted that the Government does not support the setting up of such companies where this is done to deliberately avoid the right to buy or Housing Revenue Account debt caps.
- 1.4 The rationale for exploring and proposing the setting up of a company was set out within the West Suffolk Housing Strategy 2015-18 (see paragraph 1.7 below). To summarise:
 - Forest Heath District Council and St Edmundsbury Borough Council are facing significant reductions in government grant funding and so are looking to be more innovative and behave in more commercial ways to address revenue shortfalls while addressing local issues. Establishing a housing development company would contribute toward generating revenue and capital income at a greater level than simply selling the land assets
 - direct investment by the Council, which may involve further prudential borrowing, would be on a commercial basis generating an internal rate of return as targeted within the Medium Term Financial Strategy
 - the ability to operate on a commercial basis coincides with addressing certain demand in the housing market, notably the demand for good quality private rented housing
 - it is widely viewed that the relative immaturity of the Private Rented Sector (PRS) offers institutions and larger organisations such as local authorities an opportunity to shape the sector, and the Government and the New Anglia Local Enterprise Partnership (LEP) are encouraging this activity
 - it is widely recognised that housing growth and development are key drivers to stimulating wider economic growth and community regeneration

- there is thus an opportunity for Forest Heath District Council and St Edmundsbury Borough Council acting together with Suffolk County Council to offer good quality, well managed PRS homes while delivering income streams to the Councils to invest in protecting and supporting other services.
- 1.5 Given the above rationale, the primary aim of the Company would be to generate a financial return to the Councils through the provision of quality homes for private rent and/or private sale.
- 1.6 It is anticipated that a series of wider beneficial impacts would arise from establishing the Company, including:
- contributing to remedying housing supply issues in West Suffolk which jeopardise the economic and social well-being of residents and can undermine growth in the local economy
 - meeting Forest Heath District Council’s and St Edmundsbury Borough Council’s planning policies relating to the provision of affordable housing, rented and/or low cost home ownership, and in doing so contributing to addressing local affordable housing needs
 - acting as an exemplar of good practice in housing development, for example by offering apprenticeships, training and lifetime homes, with the aim of deriving reputational and commercial benefits for the Councils as Shareholders
 - developing, so long as a clear commercial financial case can be demonstrated, housing of a specialist nature such as keyworker housing, temporary accommodation and retirement housing and in doing so, along with other private developers already active in the housing market, contributing to a reduction of longer term social and care costs associated with the occupation of properties that are inappropriate to a resident’s needs.
- 1.7 The West Suffolk Housing Strategy 2015-18, adopted by Forest Heath’s Council and St Edmundsbury Borough Council on 8 October 2014 and 23 September 2014 respectively, set out eight principles against which alternative options for investing in new housing should be assessed. Table 1 below assesses the proposed Housing Development Company against these principles.

Table 1: Consideration of the proposed Housing Development Company against the principles established in West Suffolk’s Housing Strategy

Principle	Housing Development Company
Any direct investment the Councils make will need to be on a commercial basis generating an internal rate of return as targeted within the Councils Medium Term Financial Strategy	State Aid regulations dictate that loans from a Council to a wholly owned company must be at commercial rates. Interest rates in line with the requirements of the Councils’ Medium Term Financial Strategy are being used when preparing the business case for the Company
Priority will be given to developing schemes that lead to a reduction in	West Suffolk Councils’ need for short-term temporary accommodation has been taken

<p>ongoing revenue costs associated with the Councils' statutory housing responsibilities – in particular, the use of short-term temporary accommodation and B&B</p>	<p>forward through the acquisition of a number of specialist units which, if the business case can be established, could be transferred into the Company once established. The Councils will work with the Company to define within planning policy requirements the most appropriate affordable housing mix which could include homes to minimise the need for high cost temporary accommodation.</p>
<p>There will need to be a balance in the type of housing developed, both in terms of tenure, private and social, urban and rural, property size and type. Needs data will be used to demonstrate the size and mix of homes required in new locations</p>	<p>The Company will develop housing across a mix of tenures, with the market housing meeting local demand, and affordable housing developed to comply with planning policies meeting local need</p>
<p>Any funding provided to registered provider partners / private developers would need to deliver additional benefits for West Suffolk compared to those delivered through funding they could access through the Homes and Communities Agency of private finance</p>	<p>The Company would find it difficult, at least in the immediate term, to access finance in the market place. Therefore, loans made by the Councils to the Company on a commercial basis would not be supplanting funding the Company could access elsewhere. Over time, as the Company's track record becomes established, it may be able to secure alternative funding</p>
<p>Any options developed need to support projects and programmes that will help to stimulate wider economic growth, educational attainment, sustainable communities and health and wellbeing</p>	<p>As an obligation of developing market housing in West Suffolk, the Company would be required under Forest Heath District Council's and St Edmundsbury Borough Council's planning policies to provide affordable housing and s106 contributions to infrastructure wherever financial viability allows, unless the development is so small that it does not trigger contributions. So long as financially viable, this would see the Company contributing to West Suffolk's key priorities of promoting <i>'resilient families and communities that are healthy and active'</i> and providing <i>'homes for our communities'</i></p>
<p>The Councils will work in partnership with other public sector partners and seek support from them where they could directly benefit from the development of a specific option</p>	<p>The proposed approach is predicated on partnership working between Forest Heath, St Edmundsbury and Suffolk County Councils and the proposed company structure enables other public sector partners to become Shareholders in the future</p>
<p>Certain approaches may require investment on a scale that would require the Councils to enter into partnerships that cover more than just West Suffolk</p>	
<p>A number of the options will require long implementation and payback timescales in order to deliver positive outcomes, so the Councils will need to take a long-term strategic view with regard to the financial appraisals- considering the bigger picture</p>	<p>Section 5 of this appendix gives an overview of the financial modelling. The exemplar schemes considered create a revenue stream. The Housing Development Company should be viewed as a medium-to-long term investment, rather than a source of significant income in the very short term</p>

- 1.8 Since early 2015 officers of West Suffolk and Suffolk County Council (the Councils), supported by specialist external support, have been assessing the potential of the Councils participating in the development of market rent and homes for sale across West Suffolk.
- 1.9 The Company would make a significant contribution to West Suffolk's three key priorities in the following ways:
- *Increased opportunities for economic growth.* Most notably the construction of new homes will provide (a) direct employment in construction, (b) employment through the supply chain and (c) skills development, for example training and apprenticeships
 - *Resilient families and communities that are healthy and active.* Most notably access to high quality homes will improve the well-being and both the mental and physical health of local residents who currently struggle to secure suitable accommodation or live in accommodation that is unsuitable for their needs
 - *Homes for our communities.* The Company will provide new homes for sale and private rent, and, to comply with planning policies, affordable rent and low cost home ownership. Adherence to planning policies will ensure the affordable homes meet the specific needs of local people, including provision of specialist accommodation. In addition, should certain accommodation be viable, for example specialist housing, this is likely to stimulate movement within the housing market, freeing up larger homes in all tenures.

2 Case for establishing a Housing Development Company

- 2.1 The proposal to establish the Company is based on a high level options appraisal conducted to determine the most appropriate means by which the West Suffolk Councils' objectives, as set out above, could be met.
- 2.2 The alternatives explored were:
- 'do nothing' beyond supporting new housing through traditional means, including disposing of land and/or providing financial grants to housing associations. **REJECTED** – the development company approach affords a better use of scarce financial resources and is in line with the Councils' commercial approach
 - the Councils to build directly. **REJECTED** – local authorities do not have powers to directly undertake commercial activity but can do so through a company
 - joint venture model with a private developer. **REJECTED** – this option would take significant time to establish, the structure would compromise flexibility, notably the Councils and partner would have to agree to dissolve the company, and revenue income would have to be shared.

The benefits of Forest Heath, St Edmundsbury and Suffolk County Council working together

- 2.3 The three authorities working together to establish a Housing Development Company is undoubtedly in keeping with the transformation agenda across

Suffolk, in particular the principles of devolution. The Company is based on working across organisational boundaries while respecting the individual sovereignty of partners. Furthermore, it furthers the county-wide drive for efficient, joined up ways of doing things that 'look right for Suffolk'. The approach being adopted is flexible and adaptable enough for other authorities to be able to join at a later date if appropriate.

2.4 The complementary experience, skills and powers of the three Councils mean there are tangible commercial and operational benefits to all authorities coming together. Notably:

- there are key development sites or packages of sites where the constituent Councils have land-holdings on which joint working would ease site assembly
- the County Council has other land holdings in West Suffolk that could be made available to the Company
- the West Suffolk Councils as both the planning authorities and strategic housing authorities have expertise that can facilitate development
- the West Suffolk Councils have insight into and experience of acting in the private rented market through the West Suffolk Lettings Partnership
- Suffolk County Council's social care teams can assist West Suffolk Councils' strategic housing team determine specialist housing needs that could be met by the Company when discharging its planning obligations regarding affordable housing
- all of the Councils could support commercial loans to the Company.

The benefits of operating through a Company

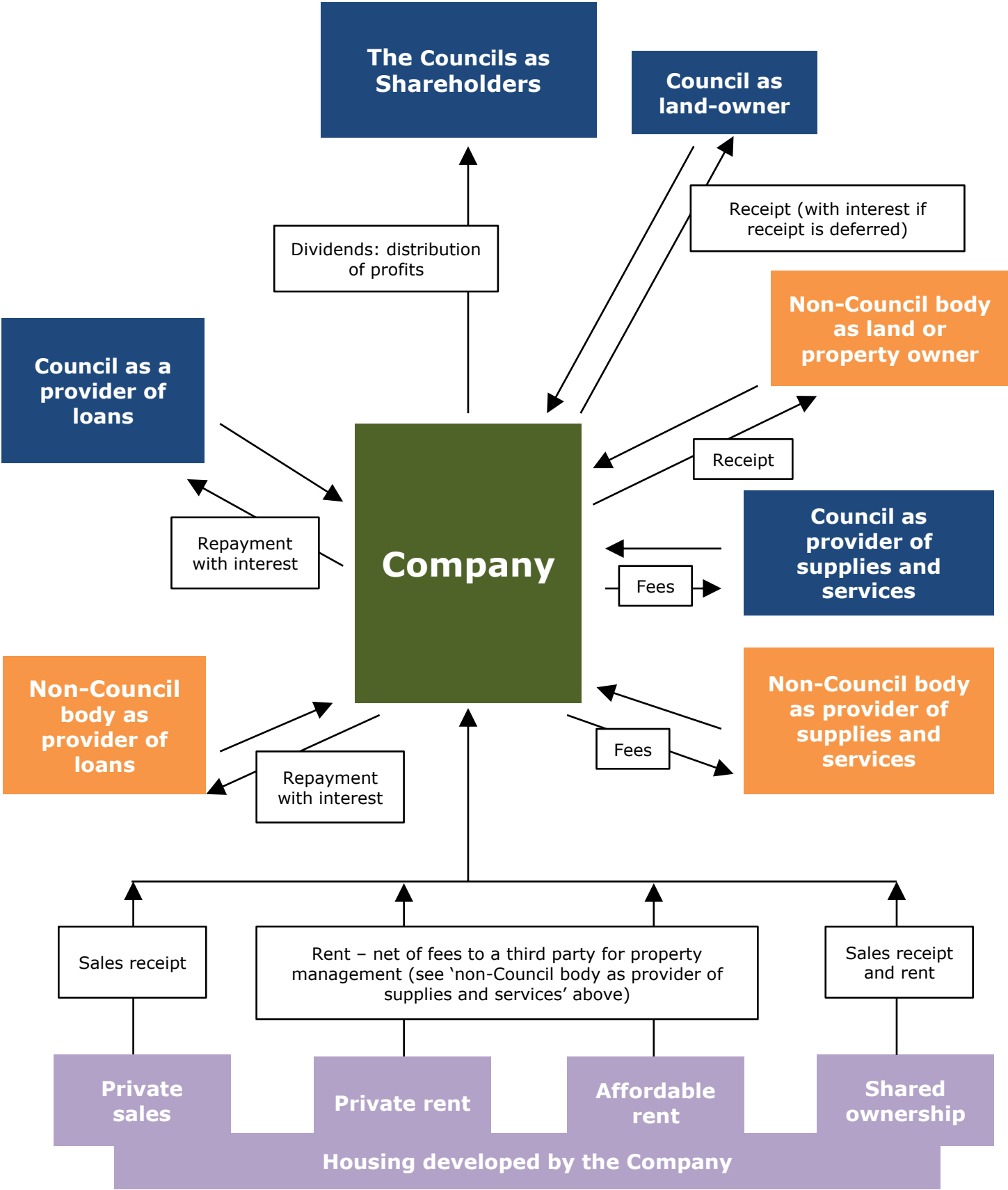
2.5 A company is a particularly good way to operate for the following reasons:

- by clearly asserting the Company's commercial character, it is unlikely to be considered by any parties as being a 'body governed by public law', this means that it would not be obliged to follow European Union procurement regulations, therefore the Company would act on the same basis as its competitors, although it could opt to follow these if, on a scheme-by-scheme basis, this was considered beneficial
- a company vehicle can potentially extend its operations to wider trading functions related to housing development, subject to Shareholder approval. For example, the Company could develop commercial buildings where this makes a commercial return and is integral on any particular site and supports the Company's primary purpose of providing housing
- a company structure affords flexibility for the future in that it would allow other district authorities or public bodies operating in Suffolk and beyond to be admitted as Shareholders in the proposed Company.

The financial benefits to the Councils of establishing a Housing Development Company

- 2.6 There are a series of ways in which the Councils will be able to generate financial income through a wholly-owned company. Notably:
- **receipts from land sold by the Councils to the Company.** Land would be sold at market value, in line with State Aid regulations. For modelling purposes, the assumption made is that the land-owning Council would derive a receipt plus an 'interest' payment in respect of the time between disposal of the land to the Company and actual payment for the land, this would typically be once properties have been sold and/or sufficient rental income generated. However, as noted in the main body, decisions about loans will be made at a later date and the Councils will need to consider suitable structures, taking account of factors such as loan policy compliance and risk appetite regarding loan security, as well as ensuring compliance with state aid rules
 - **interest on loans to the Company.** The Councils have the power to make loans; commercial rates would need to be applied to be compliant with State Aid regulations. This could attract a margin over the Councils' own cost of (internal) borrowing
 - **distributions of profit made by the Company through dividends.** The Company will derive an income from (a) ground rents, (b) rental income, net of management and maintenance costs, and/or (c) sales and uplift in the capital value of its assets, net of any overage agreements in place. These profits, net of tax, would be distributed to the Shareholders (the Councils)
 - **purchase of services from any of the Councils.** The Company may wish to purchase services such as housing development expertise, legal, HR or IT support from any of the Councils at a market rate. At this stage the assumption has been made that the Councils will be able to support these services from within existing staff resources.
- 2.7 Diagram 1 below shows the possible financial flows between the Company and the Councils. In addition, it shows the Company's potential interactions with other organisations. Other non-Council bodies would include the contractors building the properties and any owners of private land or properties which the Company acquires. This could also include other sources of loan funding available in the future.

Diagram 1: Financial flows between the Company and its creditors and suppliers (Council and non-Council) and the housing developed



3. Legal Considerations and Governance of the Company

Legal context

- 3.1 Trowers and Hamlins lawyers have provided detailed advice on the legal aspects of establishing a Housing Development Company. The information in this section of the report has been taken from the advice they have provided.
- 3.2 Section 1 of the Localism Act 2011 provides local authorities with the power to do anything an individual may do, subject to a number of limitations. This is referred to as the general power of competence. A local authority may exercise the general power of competence for a commercial purpose.
- 3.3 Section 95 of the Local Government Act 2003 is also of relevance. The associated regulations, Regulation 2 of the Local Government (Best Value Authorities) (Power to Trade) (England) Order 2009, require a business case to be prepared and approved by the Council before a company starts trading. This report constitutes that business case for the Housing Development Company.
- 3.3 Section 4 of the Localism Act 2011 requires that where a local authority exercises the general power of competence for a commercial purpose it **must** do this through a company.
- 3.4 It is Trowers and Hamlins' view that the Councils can rely upon the general power of competence to form the Housing Development Company for the purpose of that company operating a business to sell and let homes at market rates. See paragraphs 3.5 – 3.11 for a further discussion of the company structures that could be used and the structure proposed.

Form of company

- 3.5 As noted above, councils can only trade commercially by setting up a company to do so. The Localism Act 2011 prescribes what company structures can be used. These are, a company limited by shares, a company limited by guarantee or a community benefit society.
- 3.6 Trowers and Hamlins were asked to assess which company structure would be most appropriate to meet the Councils' aim of generating a profit through housing development for the Councils to use to fund local priorities and support council services as determined by elected members.
- 3.7 Trowers and Hamlins have advised that a company limited by shares is the structure most widely adopted by commercial companies which aim to generate dividends. In contrast, while a company limited by guarantee can make a surplus, this structure is designed to retain and recycle the surpluses *within* the company, rather than pay out dividends.
- 3.8 Trowers and Hamlins have advised that *"from a legal perspective... a CLS [company limited by shares] is the most appropriate form of vehicle for the Housing Company for a number of reasons, including [the Councils] are looking to receive a return out of the profits of the Housing Company. This would technically be possible if the vehicle is established as a company limited by guarantee (CLG) but the CLG model is more associated with the non-profit distributing model than the CLS; the CLS model is a typical form of*

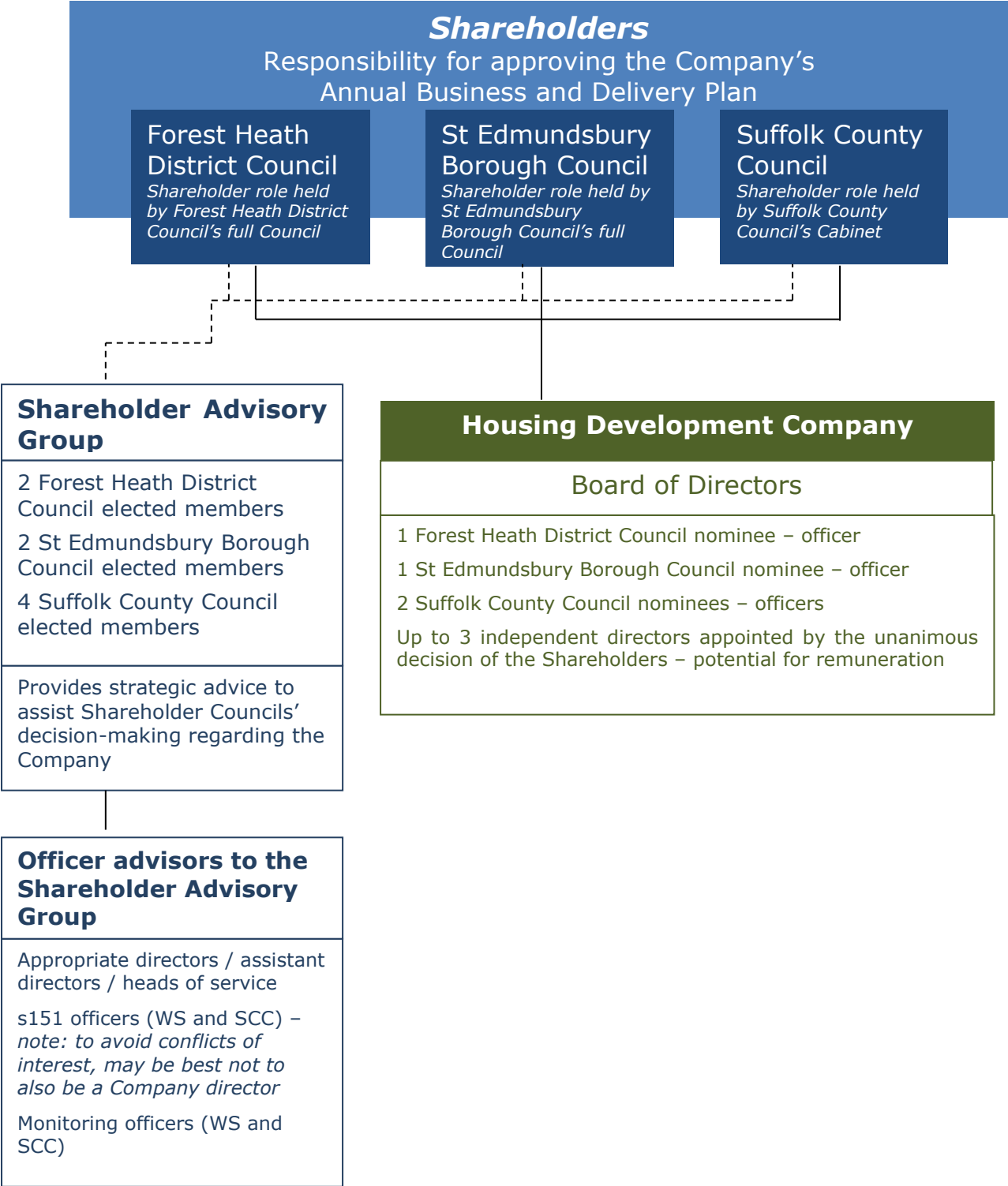
commercial vehicle established with a view to making a profit; the CLS model lends itself more easily to meeting the test that it is a body with an industrial and commercial character...”

- 3.9 A community benefit society structure is also possible, however this is essentially very similar to the company limited by guarantee structure in that although such an organisation can trade, it would need to be run primarily for the benefit of the community at large, rather than focussing on outputs for the society’s ‘members’ (in this case, the Councils). Furthermore, the rules of such a society must not allow distribution of profits or assets to its ‘members’ (the Councils); profits should be ploughed back into the business.
- 3.10 Thus based on the independent legal advice received, it has been concluded that a company limited by shares is the most appropriate and tried-and-tested structure, and crucially is the only one which ensures elected members have full control over the use of the surpluses generated by the Company as unlike the other structures considered, a company limited by shares can pass surpluses back to its shareholders (the Councils) as dividends.
- 3.11 The proposed governance structure detailed below is viable from both a regulatory and constitutional perspective.

Governance structure

- 3.12 The proposed governance structure for the Company is set out in Diagram 2 below. There are three key components of this structure:
- the three Councils, each being a Shareholder – see paragraphs 3.13 – 3.14 below for a fuller discussion of this role
 - the Shareholder Advisory Group – an elected member only group which exercises scrutiny of the Company’s reports and performance, provides strategic guidance and advises the Councils when exercising their rights and responsibilities as Shareholders – see paragraphs 3.15 – 3.28 for more details
 - the Company’s Board of Directors – the body which manages the affairs of the Company on a day-to-day basis. The Board will have a majority of directors nominated by the individual Shareholder Councils. All nominees will be officers. In addition, there is provision for up to three additional directors unanimously approved by the Shareholders – see paragraphs 3.29 – 3.33 for more details.

Diagram 2: Proposed Governance Structure for the Housing Development Company



The Councils' Shareholder Role

- 3.13 Forest Heath District Council's full Council, St Edmundsbury Borough Council's full Council and Suffolk County Council's Cabinet will each hold a Shareholder role.
- 3.14 Acting in their Shareholder roles, these bodies will be charged with protecting the Councils' interests as owners of the Company. Most notably, each body will be required to consider and approve the Company's Business and Delivery Plan each year.

The Shareholder Advisory Group

- 3.15 To ensure Shareholder oversight of the Company, it is considered appropriate to establish a smaller body of elected members to more regularly consider matters relating to the Company. To this end, it is proposed to establish a Shareholder Advisory Group consisting of elected members from the three Councils. Such groups, albeit with slightly different names and roles, have been established by a number of authorities that have set up housing development companies, including Thurrock Council where the first site is now in development. In addition, Suffolk County Council has developed a similar governance approach regarding their wholly-owned companies.
- 3.16 The detailed arrangements concerning the operation of the Shareholder Advisory Group will be enshrined in the Shareholders Agreement.
- 3.17 It is proposed that elected members join the Shareholder Advisory Group rather than the Board of Directors so as to minimise members' exposure to conflict of interest situations which can carry significant penalties under the law.
- 3.18 Members may feel the requirements of directors under the Companies Act 2006 conflict with their roles as elected members and representatives of their communities.
- 3.19 Members taking up a directorship would be required to abide by the seven duties of directors codified in the Companies Act 2006. Directors failing to observe these duties are open to prosecution and there are cases of directors being fined and/or stripped on their ability to be a company director in the future. These duties include directors personally exercising reasonable care and diligence over the Company's dealings, confining themselves to what the Company was set up to do, not fettering their decision-making, and, where there is one, declaring an interest in a proposed transaction with the Company.
- 3.20 The Shareholder Advisory Group would consist of elected members only, in the following proportions:
- Forest Heath District Council – two members
 - St Edmundsbury Borough Council – two members
 - Suffolk County Council – four members.
- 3.21 The members from Forest Heath District Council and St Edmundsbury Borough Council would be selected by the Leader of each Council respectively acting in consultation with West Suffolk's Lead Member for Housing.

- 3.22 The roles of the Shareholder Advisory Group would be as follows:
- advise on the overall strategic direction of the Company
 - receive and scrutinise reports on the performance of the Company on a regular basis, including meeting directors of the Company
 - consider, comment on and suggest content for and amendments to the draft Annual Business and Delivery Plan produced by the Company
 - consider how the Company could further the priorities of the Shareholder Councils, while not at any time undermining the Company's primary commercial focus.
- 3.23 The Shareholder Advisory Group would be provided with financial and technical assistance from senior officers of the Shareholder Councils to assess the Company's performance against its business plan as well as its general commercial operations. It is anticipated that the officers providing advice would include each Council's section 151 officer and monitoring officer so long as these officers were not themselves directors of the Company.
- 3.24 It is proposed that the Shareholder Advisory Group would appoint a Chair and Vice-Chair. The Chair and Vice-Chair posts would always be held by members from different authorities, that is, Suffolk County Council and Forest Heath District Council *or* Suffolk County Council and St Edmundsbury Borough Council.
- 3.25 In addition, there would be an open invitation for members of the Shareholder Advisory Group to attend the Company's Annual General Meeting to directly put forward and represent the Shareholders' views and priorities.
- 3.26 It is anticipated that the Shareholder Advisory Group will meet between two and four times a year.
- 3.27 Integral to the remit of the Shareholder Advisory Group is the detailed consideration of the Company's draft Annual Business and Delivery Plan each year. The Shareholder Advisory Group will discuss its contents with representatives of the Company and seek to satisfy itself of its viability and robustness. As noted above, the elected members on the Group will be assisted in this by senior officers from the Councils. The Shareholder Advisory Group will be in a position to recommend, or otherwise, approval of Annual Business and Delivery Plan by Forest Heath District Council's full Council, St Edmundsbury Borough Council's full Council and Suffolk County Council's Cabinet when these bodies are carrying out their role as Shareholder of the Company. Any recommendations require majority support *and* the support of both the Chair and Vice-Chair. A quorum would be achieved by the presence of four members, including the Chair *and* Vice-Chair. The exact details of how the Group will operate are still being considered as part of the drafting of the Memorandum and Articles of Association and Shareholders' Agreement.
- 3.28 The Shareholder Advisory Group would not be a formal committee of any of the Shareholder Councils as defined in the Local Government Act 1972. As such, there would be no requirement for agendas, papers and minutes to be published, or for the meetings to be open to the public. The Shareholder

Advisory Group would not be included within the Constitution of any of the Shareholder Councils.

The Board of Directors

3.29 The Company's Board of Directors would consist of:

- one nomination by Forest Heath District Council. This nomination would be a senior officer of West Suffolk Councils
- one nomination by St Edmundsbury's Borough Council. This nomination would be a senior officer of West Suffolk Councils
- two nominations by Suffolk County Council. These nominations would be senior officers
- up to three additional directors unanimously approved by the three Shareholder Councils. These may either be 'independent' individuals selected for the relevant expertise and experience in relation to housing development, or other officers.

3.30 The Company would have the discretion to pay any director who does not already receive a salary from one of the Shareholder Councils. The Councils would, however, be able to charge the Company for costs covering the time the officers nominated as directors spend on Company business.

3.31 The Councils as the Shareholders will retain the right under the Company's Articles of Association to appoint and dismiss the Company's Directors.

3.32 The Directors will have responsibility for managing the day-to-day procedural and operational activities of the Company, ensuring that it is well run and delivering the outcomes for which it has been established. Directors would act in line with the Memorandum and Articles of Association and the Shareholder Agreement, with their roles including:

- drawing up the Company's annual business plan for onward submission to the shareholding Councils to consider and approve
- ensuring the Company complies with all relevant regulation and laws
- ensuring compliance with the Company's objects, purposes and values
- setting budgets, policies and plans and monitoring performance of the Company, and setting a framework for internal controls
- procuring services necessary for the execution of the Company's objectives
- ensuring the financial strength, solvency and good performance of the Company
- dealing with the appointment and appraisal of staff, should any be directly employed by the Company.

3.33 The very light overall structure of the Company reflects the fact that day-to-day operations are envisaged to be provided by staff within the Councils through a Service Level Agreement for which the Company would pay or via third party

agency or consultancy arrangements until such time that the Company is of sufficient size that it may be more practical and tax efficient to employ staff directly. Any staffing implications would need to be considered at that point in time.

Does the Councils' interest in the Company compromise its commercial character?

- 3.34 As made clear when discussing the Company's objectives above, the Housing Development Company's primary purpose is to act as a commercial entity and make a financial return from developing housing for sale or private rent. A necessary consequence of such activity undertaken by any private house-builder, and indeed a beneficial one from the Councils' perspective, is that affordable housing is also provided. Councils acting as planning authorities and promoters of the well-being of local communities and the local economy require private companies to provide affordable homes in line with local needs, as reflected in their planning policies. Requiring the Company to adhere to local planning policies does not compromise the Company's commercial aims. Indeed, it is an everyday occurrence for successful private house-builders to fund planning contributions and affordable housing requirements within their business plans.
- 3.35 The Councils have a number of ways in which they can legitimately guide the activity of the Company, including:
- as a Shareholder – appointing and removing directors, signing off the Company's annual business plan, and signing off any changes to the Company's Memorandum and Articles of Association
 - as a land owner – making available land to the Company, and deciding whether or not to dispose of particular sites to the Company. Note: disposal must be at market value so as not to contravene State Aid regulations and to satisfy the Councils' Local Government Act 1972 Section 123 duty to obtain the best consideration that can be reasonably obtained
 - as a funder – deciding whether or not to make loans to the Company. It is considered that it would be difficult for the newly formed Company to secure affordable loans by any other means. Note: loans must be at commercial rates so as not to contravene State Aid regulations
 - as a strategic housing authority – as when working with any housing developer, directing the required affordable housing mix and/or the need for specialist housing on sites in line with the relevant planning policies
 - as a planning authority – as with any housing developer, assessing whether a particular proposal by the Company meets planning requirements.

The Councils as Funders

- 3.36 The primary task when acting as a Funder will be to assess the Company's viability as an entity and the viability of each project for which loan funding is being sought. Consideration of a number of factors will be taken into account to determine whether to release loan funding to the Company such as the

value of assets available to be used as security, state aid compliant equity versus debt ratios for the Company, policy compliance and acceptable level of risk exposure for the Shareholders.

- 3.37 The Funder Role also incorporates regularly monitoring and analysing financial information generated by the Company during the lifetime of each loan to ensure that the Company is not in breach of key financial requirements which would be stipulated as funding conditions for each loan.
- 3.38 The key areas the Councils in their Funder Role will want to be satisfied with prior to providing funding for a development are likely to include:
- that the financial modelling demonstrates that the loan will be repaid
 - that any loans accord with the Councils' approved loan policies, notably with regard to security considerations
 - there is confidence that the projected rental stream can be maintained
 - that base level sensitivities, which would in turn trigger warning signals, for the Company's general performance and the performance of each proposed development are properly set and that a sufficient margin is added to the base level to provide reassurance
 - that the loan is State Aid compliant.

Procurement

- 3.39 As discussed above, the Company as set up would be unlikely to face a successful challenge that it is a body governed by public law and so would not need to follow public procurement rules. The Company's Board, however, acting like any other entity, would need to determine its own procurement policy in accordance with best practice and relevant legislation. The Articles of Association and Shareholder Agreement will oblige the Company to establish and follow its own set of financial regulations and standing orders which demonstrate best value.

4. Name of the Company

- 4.1 The name of the Company is an important issue. To stress its commercial aims and remit across West Suffolk and beyond it is considered beneficial to select a name that is not immediately linked to any one or other of the Shareholder Councils. It is proposed to delegate the selection of an appropriate name to the Head of Housing acting in consultation with the Service Manager (Corporate Communications), West Suffolk's Lead Member for Housing and Suffolk County Council's Director of Resources.

5. Financial Case

Financial viability of site development – financial appraisal by GVA Consulting

- 5.1 The financial viability of market-led housing development by a wholly-owned company as detailed in this report has been modelled and tested by GVA Consulting, a leading financial consultancy with expertise in this field.

5.2 The Councils provided GVA with four exemplar sites across Forest Heath and St Edmundsbury and in different Councils' ownerships. GVA conducted a detailed financial appraisal of these four exemplar sites – see Appendix B for GVA's full report. Appendix B is exempt from consideration in public as it contains valuation details for sites in the Shareholder Councils' ownership, publication of which could fetter the achievement of best value.

5.3 In outline terms, the financial operating model is as follows:

Funding the purchase of land and the building the homes

- the Company builds homes of all tenures on land it purchases from Forest Heath District Council, St Edmundsbury Borough Council and/or Suffolk County Council and also, if viable, purchases can be made on the open market
- the Company has no assets or financial resources with which to buy the land at the beginning of the development, so the land-owning Council agrees to defer the need for the Company to pay a receipt for the land, but in return, the Council charges interest for the period of the deferment
- furthermore, the Company has no financial resources to pay for the construction of the homes, and so the Councils lend the Company money. The Council charges an interest rate commensurate with market rates. This is higher than the Councils' (internal) rate of borrowing or the interest it earns on reserves, and so this represents an income to the Councils

Paying for the land and repaying loans

- a large proportion of the homes built will be sold on the open market or through shared ownership arrangements. The Company will use the income from sales to pay for the land and repay the loans for the construction of these homes
- there will be a profit made as the sales prices will exceed the cost of the land and construction of the homes sold. This will be available as a dividend payment to the Shareholders (the Councils) and/or could be used to cross-subsidy the construction of the rental homes – see below

Paying for retained rental properties

- the cost of the land and construction of the properties that the Company retains and rents out will be met from two possible sources – (a) as noted above, the profit on the homes that are sold and (b) a loan taken out against the value of the retained properties, essentially a mortgage that is paid off over thirty years

Making a profit

- the Company makes a profit on each home sold and uses this to make a dividend payment and/or cross-subsidise the construction of the rental homes. The profit is, of course, net of paying the Councils for the land, repaying the loans made by the Councils and paying the interest on the deferred land receipts and loans

- the Company’s ongoing profit is the difference between the rent it receives, net of the cost of managing and maintaining the homes, and the principal and interest repayment of the mortgage on those homes. The profits net of any Company running costs and tax payable are available as dividends to the shareholding Councils – Forest Heath District Council, St Edmundsbury Borough Council and Suffolk County Council
- in the future, some or all of the rental properties could be sold with the values achieved, net of repayment of any mortgage still attached to those homes, available as dividends to the shareholding Councils.

5.4 In summary – see the tenure mix in Table 2 and financial analysis in Table 3 below – GVA’s analysis indicates that all four exemplar development sites are able to support financially viable schemes, that is, each scheme:

- provides a market value receipt to the land-owning Council
- achieves sufficient income from sales to pay for the land, on a deferred basis, and the repayment of the cash loan to fund the development, along with interest in respect of the deferred payment and loan, by year four of the scheme
- supports 30% affordable housing provision in line with the Forest Heath District Council’s and St Edmundsbury Borough Council’s planning policies
- with a secured loan provided on a 30 year term, essentially a mortgage covering the retained private rent and affordable rent homes, provides a steady revenue income
- retains a portfolio of rented properties which can be sold on at a later date to achieve a capital receipt.

Table 2: Tenure mix modelled for the four exemplar sites	
Tenure	Total homes across the four exemplar sites
Homes for sale	84
Private rented homes	46
Affordable homes	56
TOTAL	186

Table 3: Financial analysis based on development of the four exemplar sites		
	West Suffolk £'000s	Suffolk County £'000s
Capital receipts from land	4,843	4,876
Interest on deferred capital receipts and loans to the Company	1,565	1,670
Profit on 84 house sales	1,011	1,011
Annual rental income from 102 properties – average of years 6 to 10 (net of corporation tax)*	147	147
<i>Funded by repayable loans by the Councils</i>	<i>11,316</i>	<i>11,283</i>

* Rental properties will increase in value over time. If all/some are sold, this would generate a capital receipt that would be returned to the Councils as shareholders

- 5.5 The modelling by GVA is based on a series of assumptions. GVA's full report is attached at Appendix B; see paragraph 2.5 of the Appendix B for full details of the assumptions used. The table in Appendix C provides a summary of the anticipated profit and loss for the Housing Development Company across the four sites modelled for the first 10 years. Appendix C is exempt from consideration in public as it contains commercially sensitive financial information.
- 5.6 In the early years the Company will run at a loss, with outgoings covering interest payable and construction costs. Upon completion of the sites the properties for private sale will be sold on the open market, causing a spike in profits before the Company moves to making a steady profit from the retained rental portfolio, private rented and affordable. This rental profit will be derived from ground rents and rental income, net of management, maintenance and borrowing costs.
- 5.7 These profits, net of tax, would be available to be distributed to the Shareholders – Forest Heath District Council, St Edmundsbury Borough Council and Suffolk County Council. Tax advice was not included within the scope of GVA's work, so for the purposes of the modelling a 20% corporation tax rate has been used, with no adjustment for allowable (including capital allowances) and non-allowable expenses. See Appendix C for estimated profit and loss figures.
- 5.9 Appendix B provides the Housing Development Company financial model in detail across 40 years. At year 15 (after the scheme development phase) the financial modelling assumes the sale of all private rented properties. As a result the profits of the Housing Development Company show a further spike around the 15th year post completion followed by a reduction in profits in future years

as the net rental income from those private rented properties are no longer generated for the Company. The affordable housing element of the portfolio has been modelled to be retained by the Company for 40 years and then the model assumes their disposal, hence the further spike in profits in the last two years of the model; the net rental income then ceases.

The Financial model - capital and revenue flows to and from the Housing Development Company

5.10 The current financial modelling performed by GVA has the following medium to longer term capital and revenue financial implications for the Shareholders.

Capital

5.11 The Shareholders are assumed to be the main funders (see funder’s role at paragraphs 3.31 – 3.33) to the Housing Development Company and as such Table 4 below includes the likely loan cash flows to the Company and their repayment profile.

Table 4: Capital Financial Implications based on the four exemplar sites

<u>Council - Capital Financial implications</u> <u>(Cashflow basis)</u>	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26
By inflows/(outflows) category										
Capital Receipt from Land (unsecured)	0	0	0	6,370	0	3,349	0	0	0	0
Cash Loan to Company (unsecured)	(826)	(2,472)	(3,784)	(1,647)	(991)	0	0	0	0	0
Cash Loan Repayment (unsecured)	0	0	1,301	5,071	1,146	2,202	0	0	0	0
Cash Loan to Company (secured)	0	(400)	(443)	(626)	0	0	0	0	0	0
Cash Loan Repayment (secured)	0	0	656	814	0	0	0	0	0	0
Long Term Loan to Company (secured)				(7,599)	0	(3,308)	0	0	0	0
Long Term Loan Repayment (secured)				160	165	239	246	254	261	269
Total	(826)	(2,872)	(2,270)	2,542	320	2,482	246	254	261	269
West Suffolk Councils										
Capital Receipt from Land (unsecured)	0	0	0	2,716	0	2,127	0	0	0	0
Cash Loan to Company (unsecured)	(826)	(1,998)	(1,089)	(601)	(362)	0	0	0	0	0
Cash Loan Repayment (unsecured)	0	0	1,301	2,353	418	804	0	0	0	0
Cash Loan to Company (secured)	0	(200)	(222)	(313)	0	0	0	0	0	0
Cash Loan Repayment (secured)	0	0	328	407	0	0	0	0	0	0
Long Term Loan to Company (secured)				(3,799)	0	(1,654)	0	0	0	0
Long Term Loan Repayment (secured)				80	82	119	123	127	131	134
Total	(826)	(2,198)	318	842	139	1,396	123	127	131	134
Suffolk County Council										
Capital Receipt from Land (unsecured)	0	0	0	3,654	0	1,222	0	0	0	0
Cash Loan to Company (unsecured)	0	(474)	(2,695)	(1,046)	(629)	0	0	0	0	0
Cash Loan Repayment (unsecured)	0	0	0	2,718	728	1,398	0	0	0	0
Cash Loan to Company (secured)	0	(200)	(222)	(313)	0	0	0	0	0	0
Cash Loan Repayment (secured)	0	0	328	407	0	0	0	0	0	0
Long Term Loan to Company (secured)				(3,799)	0	(1,654)	0	0	0	0
Long Term Loan Repayment (secured)				80	82	119	123	127	131	134
Total	0	(674)	(2,589)	1,700	181	1,086	123	127	131	134

5.12 It should be noted that the Forest Heath Medium Term Financial Strategy includes a provisional capital allocation of £3 million for support delivery of the Housing Strategy, primarily through the Housing Development Company, and the St Edmundsbury Medium Term Financial Strategy includes a capital provision of £2.4m for this purpose. (This is net of other commitments in St

Edmundsbury, notably purchasing property to ease bed and breakfast liabilities relating to assisting homeless people.) The total value, its profile and its revenue return will be established through the development of the Company's Business and Delivery Plan which will be presented to the Council early in 2016.

Land

5.13 The land-owning council would receive a receipt for the land transferred to the Company. The land has been assumed to be sold to the Housing Development Company at market value. Payment for the land would be deferred and so its value would be converted into an unsecured short term loan and will accrue a 10% rate of return up until the loan is repaid by the Housing Company. This loan agreement repayment is assumed to take place following the sales programme at around year 3-4 of each scheme.

Loan(s) – short term

5.14 In order to equalise the position of Shareholders, it is assumed that the non land-owning council will make a cash loan, for the same sum as the land value, as an unsecured short term loan agreement. This unsecured loan will accrue a 10% rate of return up until the loan is repaid by the Housing Development Company. This loan repayment is assumed to take place following the sales programme at around year 3-4 of each scheme.

5.15 Where additional funds are required for the development phase, over and above those provided through the above cash loans, these are assumed to be available from the Shareholders on an equal basis (West Suffolk Councils 50% and Suffolk County Council 50%) as secured loans. These will accrue a 6% rate of return up until the loan is repaid by the Housing Development Company. Again these loan repayments are assumed to take place following the sales programme at around year 3-4 of each scheme.

Loan(s) – long term

5.16 The model currently assumes that following the sales programme and at the point of repayment of all the loans referred to above, a long-term loan will be entered into by the Housing Development Company for the retained portfolio so refinancing will take place. Again it is assumed that the Shareholders will provide that long term (30 year) loan (although as the loan could be secured against the retained properties the Company may be able to access alternative funding). Interest will be payable at a rate of approximately 3% on a secured basis. Further consideration will be required by the Housing Development Company on the loan security value of the retained properties against the loan value required – for the purposes of the model the security value is assumed to be sufficient across the private rented and affordable housing portfolios.

Working capital loan(s)

5.18 It is likely that provision is required for working capital balances for the Housing Company and as the Shareholders are assumed to be the main funders, it is assumed that a working capital loan facility will be made available by the Shareholders. This working capital will take the form of an unsecured loan agreement and will accrue a 10% rate of return. It is proposed that a facility of

£500,000 is provided to enable the Housing Development Company to start transacting.

- 5.19 As it is unknown what working capital is required and that it would be a loan facility that can be called upon when required, the revenue table below excludes the interest receivable. Initial modelling suggests around £150,000 costs in the first year in advance of requiring the monies for payment of construction contractors – see Appendix D for further details.

Summary of Loans

- 5.20 Table 5 summarises the total loan facilities between the Shareholders and the Housing Company modelled across the four sites. The value between secured and unsecured loans will need to be considered by the Housing Company and the Shareholders prior to entering into loan agreements. The modelling is for illustrative purposes only at this stage as a number of factors will need to be taken into account when agreeing the unsecured and secured ratio. Considering such factors as the value of assets available to be used as security, state aid compliant equity versus debt ratios for the Company, and policy compliance and acceptable level of risk exposure for the Shareholders.

Table 5: Summary of Loans based on the four exemplar sites

Loan type - for modelling purposes only	West Suffolk Councils	Suffolk County Council
Land - short term loan (unsecured)	4,843	4,876
Loan(s) - short term (unsecured)	4,877	4,844
Loan(s) - short term (secured)	735	735
Loan(s)- long term (secured)	5,454	5,454
Working capital loan(s) (unsecured)	250	250
Total potential loan values	16,159	16,159

- 5.21 Table 5 represents the total value of loans that could be required over the life of the Housing Development Company based on the four sites modelled, however the cash flows of these loans means that the Shareholders would not be exposed to this total value at any one moment in time. It is envisaged that the short term loans will be repaid prior to any long-term loans being negotiated.

Revenue

- 5.22 Table 6 below details the impact on the Council’s revenue budgets for the next 10 years.

Table 6: Revenue Financial Implications based on the four exemplar sites

<u>Council - Revenue Financial implications</u>	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's	£000's
	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26
By income category										
Land Interest Repayment	151	400	719	717	371	158				
Cash Loan interest margin (unsecured)	16	97	215	188	154	34				
Cash Loan interest margin (secured)		1	11	4						
Long Term Loan interest margin (secured) *										
Dividend ...										
Total	167	498	945	909	525	192	0	0	0	0
West Suffolk Councils										
Land Interest Repayment		88	297	441	236	100				
Cash Loan interest margin (unsecured)	16	89	147	74	56	12				
Cash Loan interest margin (secured)			6	2						
Long Term Loan interest margin (secured) *										
Dividend ...										
Total	16	176	451	517	292	113	0	0	0	0
Suffolk County Council										
Land Interest Repayment	151	312	422	276	135	58				
Cash Loan interest margin (unsecured)		8	68	114	98	22				
Cash Loan interest margin (secured)			5	2						
Long Term Loan interest margin (secured) *										
Dividend ...										
Total	151	321	494	392	233	79	0	0	0	0

* see para 5.26 ** see para 5.30

Land – interest on cash loan

5.23 The land-owning council would receive a receipt for the land transferred to the Company. This receipt value will be recorded as an unsecured short term loan and will accrue interest at 10% (unsecured rate) up until repayment takes place.

Loan(s) – interest margin

5.24 All short term cash loans will accrue interest of either 10% for unsecured or 6% for secured loans.

5.25 In line with the Medium Term Financial Strategy and investment framework all business cases are being considered on the basis of prudential borrowing and therefore only a 7% (unsecured) or 3% (secured) interest margin has been factored into the revenue modelling below, that is the 10% and 6% rates paid by the Company net of an estimated 3% cost to the Councils to borrow the money which is on-lent.

5.26 For the purpose of modelling no interest margin has been assumed on the long term loan. An assessment would need to be made as to whether a margin would be available given the commercial rate for a 30 year loan against the Council's rate of internal borrowing.

5.27 The assumption is that a minimum revenue provision for all loans will not be required however, this assumption is still being considered and to be agreed with external auditors.

Working capital loan(s) – interest margin

- 5.28 Any short term working capital cash loans will accrue interest of 10% for unsecured loans.
- 5.29 As it is unknown what level of working capital is required and given that the allowance is for a 'loan facility' that can be called upon when required, Table 5 excludes the interest margin the Council would receive.

Dividend

- 5.30 The Housing Development Company's profits, net of tax, would be available to be distributed to the Shareholders and this would be revenue income for the Shareholders (the Councils). There is an expectation that the Shareholders will receive dividends annually, however the amount and timing (when these come to fruition) will need to be set out as part of the annual business planning process and confirmed annually in the Annual Business and Delivery Plan and as part of the Annual General Meeting of the Company.

Purchase of services from any of the Councils

- 5.31 The Company may wish purchase services such as housing development expertise, legal, HR or IT support from any of the Councils at a market rate. At this stage the assumption has been made that the Councils will be able to support these services, however this will need to be considered on a case-by-case basis. The revenue modelling current excludes any income with regards to these services.

Sensitivity testing by GVA Consulting

- 5.32 GVA were asked to model the impact of negative movement on a number of key assumptions within the model. In summary, the sensitivity testing indicates that the four exemplar schemes would all remain viable with positive, albeit reduced, profits available for distribution as dividends to Shareholders even if:
- building cost inflation rose to and remained at 5.5% a year for the duration of the build phase, *and*
 - house price inflation dropped to just 1% a year for the duration of the build and sale period, *and*
 - rental inflation was only 1.5% for each of the 15 years the private rented portfolio is modelled to be held and for each of the 40 years that the affordable rented portfolio is modelled to be held, *and*
 - 5% of private and affordable rented properties were standing empty throughout the 15 years of the private rented properties are modelled to be held, and for the full 40 years the affordable rented portfolio would be held, *and*
 - land receipts were at a lower, yet still market, value than in the base case.
- 5.33 Although negatively impacted, in all cases profits are still available. It is also important to note that as development schemes will be brought forward on a site-by-site basis, they will always be subject to a detailed financial appraisal

based on current market conditions, inflation rates and the like. Should at this point the return not being considered viable, or felt to be too low in relation to the risk involved, the Shareholder Councils will be under no obligation to proceed. In this way, the Shareholder Councils can make pragmatic decisions regarding the level of risk involved.

Detailed financial appraisals on a scheme-by-scheme basis

- 5.34 In order to maximise Shareholder oversight of site development by the Company, detailed financial appraisals will be carried out by Company on a scheme-by-scheme basis. This analysis will be formally presented to Shareholders each year in the Annual Business and Delivery Plan. Only once Shareholders have satisfied themselves of the robustness of the appraisal will they approve the Annual Business and Delivery Plan.
- 5.35 The Shareholder Agreement requires the Company to provide the draft Annual Business and Delivery Plan to Shareholders in October each year. This affords the Shareholder Councils sufficient time to scrutinise the proposals, seek any clarifications and/or amendments and factor in the capital and revenue implications to each of the Councils' coming year's capital programme and revenue budget, as well as incorporating the longer term implications in each Councils' Medium Term Financial Strategy.
- 5.36 Throughout the year, the Shareholder Advisory Group will receive regular reports from the Company on its performance against the Annual Business and Delivery Plan and it is expected that the Company will discuss any potential new schemes with the Shareholder Advisory Group as they arise.
- 5.37 The Company will not be able to act outside of the financial caps and limits set in the approved Annual Business and Delivery Plan without Shareholder consent.

6. Operation of the Housing Company

- 6.1 The Company will primarily develop a portfolio of homes for market rent and sale, with a portfolio of affordable homes also developed to meet Forest Heath District Council's and St Edmundsbury Borough Council's planning requirements.
- 6.2 The Company will own the market and affordable rent homes. It is envisaged that both portfolios will be managed and maintained by third parties under contract, with the affordable homes in all probability managed by a housing association. Financial provisions for meeting these contract costs have been included GVA's financial modelling.
- 6.3 Both the private and affordable rented dwellings owned by the Company will be let on Assured Tenancies and will not be subject to the Right to Buy, or to the allocations provisions of Part VI of the Housing Act 1996, although the Company will have due regard to West Suffolk's Tenancy Strategy with regard to the affordable properties' rents, length of tenancies and means of allocation.

- 6.4 The Company would secure appropriate development expertise and would appropriately tender the construction and management of units. As noted above, the Company would not be required to follow European Union procurement regulations, although it could choose to. In order to maximise access to the necessary skills and expertise, and minimise costs, it is envisaged that the Company would employ, either directly or through an SLA with one of the Shareholder Councils, an employer's agent to oversee the drawing up of construction specifications, the lettings of contracts and the management of development. Financial provision for fees has been included in GVA's modelling and would be included in the detailed scheme appraisals carried out as sites come forward. In addition, the Company may choose to select technical consultants and construction contractors from established frameworks such as those held by the Homes and Communities Agency (HCA).
- 6.5 Officers have discussed the proposed way forward with the HCA which is very supportive of the approach to establishing and operating this housing development company.

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Appendix E – Housing Development Company – Equalities Impact Assessment

Question	Response
Q1) Name of the strategy, policy, programme or project being assessed.	Council-owned Housing Development Company
Q2) In no more than five lines and using Plain English, summarise the purpose of the policy or proposal, and its desired outcomes.	Production of a robust, financial business case to establish a legally compliant trading company owned jointly and in the first instance exclusively by Forest Heath District Council, St Edmundsbury Borough Council, and Suffolk County Council (herein termed 'the Councils') with the primary aim of generating both capital and revenue income through the development of new housing in West Suffolk.
Q3) Who should benefit from the proposal and in what way?	Residents of West Suffolk and those wishing/needing to live in West Suffolk including those currently unable to afford to rent or buy a home in the open market.
Q4) Is there any evidence or reason to believe that in relation to this proposal, there may be a difference in: <ul style="list-style-type: none"> • Levels of participation • Uptake by different groups • Needs or experiences of different groups • Priorities • Other areas? 	<p>The Development Company will provide housing of different tenures and for different groups.</p> <p>Analysis of the Forest Heath DC's and St Edmundsbury BC's Housing Registers indicates that applicants with a disability are likely to have lower incomes than those without – (56% of applicants on the two Registers taken together report a gross annual income from all sources of below £10,000, compared with 50% of those without a disability). People with a disability will be assisted by provision of specialist housing for rent.</p> <p>Reported gross incomes vary by ethnic background. Taking £20,000 as perhaps the lower threshold for home ownership on a shared ownership basis indicates different levels of access between groups, with those on the lower income benefitting particularly from rented options:</p> <ul style="list-style-type: none"> • Mixed background – 96% on Register with income below £20,000 • Black background – 85% • Gypsy / traveller – 89%

	<ul style="list-style-type: none"> • White British – 84% • White Irish – 82% • Asian background – 79% • White Other – 74% • Chinese / Other background – 70%. <p>The affordable housing will help those on lower incomes. Certain other groups may also have lower incomes, including younger people, including young families and people with caring responsibilities. While these groups will have lower access to the market housing, with again affordable options benefitting them.</p>
<p>Q5) Using the evidence listed above, fill in the table below to highlight the groups you think this policy or proposal has the potential to impact upon:</p> <p>(i) Is there any potential for negative impact? Yes or No</p> <p>(ii) Are there opportunities for positive impact or to promote equality of opportunity?</p>	<p>Disabled people – potential for a positive impact as the aspiration will be to build homes to the lifetime homes standards. Furthermore, where a need is demonstrated, specialist housing such as bungalows will be developed.</p> <p>Older people – where a need is demonstrated, specialist housing such as bungalows will be developed.</p> <p>BME groups – people from BME groups are slightly over-represented on the Housing Registers of both Forest Heath and St Edmundsbury – 24.0% and 12.2% on the registers respectively compared with making up 22.8% and 8.8% of the population (Census 2011). Increasing the supply of affordable housing will have a positive impact on providing housing for those in housing need and thus will have a positive impact on assisting people from BME backgrounds into suitable housing.</p>
<p>Q6) Considering your answers to questions 1-5, do you believe a Full Equality Impact Assessment is needed?</p>	<p>No, the proposal to build new homes in line with local needs and across a variety of tenures and price points will be beneficial to the widest range of local residents. No particular group will be disadvantaged by the proposed Housing Development Group.</p>
<p>Q7) Considering our duty to proactively tackle disadvantage and promote equality of opportunity, list the actions required.</p>	<p>Actions to maximise the positive impacts of the Housing Development Company</p> <ul style="list-style-type: none"> • wherever viability allows provide the full quota of affordable

	<p>housing required by planning policy</p> <ul style="list-style-type: none">• unless it would incur such a high cost so as to render a particular scheme financially unviable build most/all homes to the Lifetime Homes Standards• prior to finalising the exact housing type and tenure mix on a particular site, establish the potential to provide specialist housing for older, disabled and/or other specialist housing needs groups• provide shared ownership homes to enable those on lower incomes to purchase• provide homes on sites across West Suffolk• maximise the potential for apprenticeship and training opportunities through the construction procurement process.
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Impacts Table				
	Is there potential for negative impact? YES or NO	Are there opportunities for positive impact? YES or NO	If YES, please provide details of the impact below	
			Positive Impact	Negative Impact
All groups or society generally				
Age - Older or younger people	No	Yes	Older – there is the potential to build bungalows and other specialist older persons accommodation. Younger – some homes developed will be for shared ownership purchase, affordable rent and market rent. Such homes will enable younger people, typically with lower incomes, to access quality housing.	
Disability - People with a disability	No	Yes	There is the potential to build bungalows and other specialist accommodation. Unless it would incur such a high cost so as to render a particular scheme financially unviable build most/all homes will be built to Lifetime Homes Standards.	
Sex - Women or men	No	No		
Pregnancy or maternity - including expectant or new parents i.e. pregnancy and maternity	No	Yes	There will be homes built for shared ownership purchase and market rent. These homes in particular will enable expectant / new parents on lower	

			incomes to rent/buy a home with space to 'grow into'.	
Marriage and civil partnership – including same sex couples	No	No		
Race - People who are black or from a minority ethnic background (BME)	No	Yes	People from all backgrounds will benefit from development of new, energy efficient homes. Analysis of the Housing Register indicates that those other mixed, black or gypsy/traveller backgrounds have lower incomes than people of other backgrounds. These groups could in particular benefit from the provision of affordable homes.	
Religion - People with a religion or belief (or who choose not to have a religion or belief)	No	No		
Sexual Orientation - People who are lesbian, gay or bisexual (LGB) or in a Civil Partnership	No	No		
Gender Reassignment - People who are transitioning from one gender to another	No	No		
<i>Families and those with parenting or caring responsibilities (The Families Test)</i>	No	Yes	There will be homes built for shared ownership purchase and market rent. These homes in particular will enable expectant / new parents on lower incomes to rent/buy a home with space	

			to 'grow into'.	
<i>Individuals on low income</i>	No	Yes	Affordable rented and shared ownership homes will be developed.	
<i>Those suffering rural isolation</i>	No	Yes	There is the potential to build homes in rural areas thus enabling families and/carers to remaining in the same communities.	
<i>Those who do not have English as a first language</i>	No	No		

Action Plan				
Equality group/ characteristic	Action/milestone	Responsibility (Project manager or partner organisation)	Achievement date	Monitoring arrangements
Disabled people	On a site-by-site basis establish the need for / feasibility of providing homes to the Lifetime Homes Standard and/or specialist accommodation	FHDC, SEBC and SCC Housing Development Company	Varies for each site First site likely to be Wamil Court, Mildenhall; establish need/feasibility by December 2015	Housing Development Company's annual report will report on the number and type of homes developed / to be developed
Older people	On a site-by-site basis establish the need for / feasibility of providing bungalows and/or specialist accommodation	FHDC, SEBC and SCC Housing Development Company	Varies for each site First site likely to be Wamil Court, Mildenhall; establish need/feasibility by December 2015	Housing Development Company's annual report will report on the number and type of homes developed / to be developed
BME groups	On a site-by-site basis maximise the number of affordable homes within planning policy	FHDC, SEBC and SCC Housing Development Company	Varies for each site First site likely to be Wamil Court, Mildenhall; establish viability of affordable housing by September 2015	Housing Development Company's annual report will report on the number and type of homes developed / to be developed
Younger people	On a site-by-site basis maximise the number of affordable homes including shared ownership homes within planning policy	FHDC, SEBC and SCC Housing Development Company	Varies for each site First site likely to be Wamil Court, Mildenhall; establish viability of affordable	Housing Development Company's annual report will report on the number and type of homes developed / to be developed

			housing by September 2015	
Pregnant women / families	On a site-by-site basis maximise the number of market rented and shared ownership homes within planning policy as these will allow rent/purchase of home larger than the immediate need	FHDC, SEBC and SCC Housing Development Company	Varies for each site First site likely to be Wamil Court, Mildenhall; establish viability of market rented housing by September 2015	Housing Development Company's annual report will report on the number and type of homes developed / to be developed
People on low incomes	On a site-by-site basis maximise the number of affordable homes including shared ownership homes within planning policy	FHDC, SEBC and SCC Housing Development Company	Varies for each site First site likely to be Wamil Court, Mildenhall; establish viability of affordable housing by September 2015	Housing Development Company's annual report will report on the number and type of homes developed / to be developed
Rural exclusion	On an ongoing basis, identify sites in rural locations	FHDC, SEBC and SCC Housing Development Company	First annual plan to include potential sites and commitment to identify sites across West Suffolk	Housing Development Company's annual report will report on the number, type and location of homes developed / to be developed

On completion, please submit this document with the policy or proposal. Guidance and advice on draft and final versions can be obtained from:

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Sign off section

This Screening Level EqIA was completed by:

Name **Jonathan Geall**

Job Title **Service Manager – Housing Development and Partnerships**

Signature



Date **18 August 2015**

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Extraordinary (Informal Joint) Council



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Review of the Constitution: Part 3 – Functions and Responsibilities	
Report No:	COU/SE/15/032	
Report to and date/s:	Extraordinary Council	17 November 2015
Portfolio holder:	Ian Houlder Portfolio Holder for Resources and Performance Tel: 07597 961069 Email: ian.houlder@stedsbc.gov.uk	
Lead officer:	Steven Boyle Service Manager (Legal) and Monitoring Officer Tel: 01284 757165 Email: steven.boyle@westsuffolk.gov.uk	
Purpose of report:	To present to Members a revised Part 3 of the Constitution and seek its adoption.	
Recommendations:	<p>It is <u>RECOMMENDED</u> that Council:</p> <p>(1) adopts the revised Part 3, Functions and Responsibilities, of the Constitution set out at Appendix A to Report No: COU/SE/15/032;</p> <p>(2) authorises the Monitoring Officer to make such changes or corrections to the text, numbering or layout of the adopted revised Part 3 that are necessary for consistency, accuracy, grammatical correctness and sense, and to remove any parts of the existing Constitution implicitly made redundant by the adoption of this Part 3, or which are otherwise obsolete, prior to its publication;</p> <p>(3) authorises the Monitoring Officer, in consultation with the Head of Paid Service, to make such further changes to the Scheme of Delegation to Officers from time</p>	

	<p>to time as are necessary or desirable to reflect changes in statutory responsibilities, staffing structures and so on, so long as those changes do not materially affect the powers conferred by the Constitution; and</p> <p>(4) adopts as a change to the Committee Procedure Rules regarding the continuance in office of committee chairmen, the amendment set out in paragraph 1.1.2 of Report No: COU/SE/15/032.</p>
<p>Key Decision:</p> <p><i>(Check the appropriate box and delete all those that do not apply.)</i></p>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>
<p>Consultation:</p>	<ul style="list-style-type: none"> • The Joint Constitution Review Group has met twice and been further consulted on the form and content of Part 3. • Officers have been consulted on the form and content of the Scheme of Delegation to Officers.
<p>Alternative option(s):</p>	<ul style="list-style-type: none"> • Council in July 2015 approved the format for a revised Part 3 to follow on from the adoption of new, harmonised Articles and Rules of Procedure in March 2015 by the West Suffolk councils, therefore no other options have been considered in the preparation of this paper.
<p>Implications: The adoption by each West Suffolk council of a harmonised Part 3 continues the work already begun on the Constitution. It will reduce the scope for mistakes which arises from each council working to different procedures and delegations. Time will be saved and efficiency increased if officers do not have to consult separate documents.</p>	
<p><i>Are there any financial implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> •
<p><i>Are there any staffing implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> •
<p><i>Are there any ICT implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> •
<p><i>Are there any legal and/or policy implications? If yes, please give details</i></p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> • It is desirable to adopt a scheme of delegation of functions that reflects current practice as this is legally robust if there is a challenge to the authority of the Council, its committees or officers.
<p><i>Are there any equality implications? If yes, please give details</i></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> •

Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Confusion, mistakes and legal challenge if delegations in the constitution do not reflect actual council and officer practice	High	Adoption of revised Part 3 and ongoing review to ensure it is up to date.	Low
Ward(s) affected:		Not applicable	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		None	
Documents attached:		Appendix A: Draft Revised Part 3 – Functions and Responsibilities	

1. Key issues and reasons for recommendation(s)

1.1 Background

- 1.1.1 At its meeting on 7 July 2015, Council approved a format for Part 3 of the revised Constitution, and that a Joint Review Group be set up to assist the Monitoring Officer with the drafting of all sections except the Scheme of Delegation to Officers. This Scheme was dealt with by the Monitoring Officer under the delegation given by Council on 16 December 2015 and is now brought to Members for approval in its current form, and to seek specific delegation to make further amendments as and when needed.
- 1.1.2 The Group also wished to make a recommendation with regard to the chairing of committees and sub-committees. At the behest of Members, provision was made in the Procedure Rules for those Chairmen and Vice-chairmen who are not elected at the Annual Meeting to continue in office until the first meeting of the (sub) committee after the Annual Meeting. This was a sensible change to enable any queries, for example about the content of the agenda, to be referred to an appropriate Member pending the first meeting. However, the Group considered that it would be desirable to amend the Procedure Rules to make it clear that the previous year's Chairman does not take the chair for that first meeting, as this would mean s/he presided at the election of the new Chairman and could, in theory, be in a position of exercising a casting vote. They recommend therefore that rule 6.2 of the Committee Procedure Rules be amended as follows:

The members who were Chairman and Vice-chairman prior to the Annual Meeting will, if still in office and members of the relevant committee or sub-committee, remain in post until ~~the new Chairman and Vice-chairman are elected~~ ***immediately prior to its first meeting after the Annual Meeting.***

1.2 Reasons for Recommendations

- 1.2.1 The draft revised Part 3 is constructed as it is so as to align both Constitutions in a common format. Its purpose is to show what matters are decided by which body of Members, or by which officer, and as such it is an essential reference document. The format and content are as recommended by the Joint Constitution Review Group.
- 1.2.2 Several references have been removed to old legislation and to functions and practices which are now obsolete.
- 1.2.3 There are also alterations to the job titles of several officers referred to in the Scheme of Delegations which need to be clarified by this change.

The new format involves five separate Sections which are set out as follows:

Section 1 sets out the primary decision making body for various functions, known as Local Choice functions because they may be allocated to Cabinet or Council as the authority chooses. As has been previously reported to Members, there is likely to be an opportunity to amend these in the near future as a revised and consolidated set of regulations is expected, therefore

no changes to the current allocations are recommended at present. Members should also note that in most cases these decisions are further devolved to committees or officers, so the table indicates only the ultimate decision-making body if any given matter needs to be referred upwards.

Section 2 shows the functions, terms of reference and (if relevant) procedures of the authority's committees, which have been updated with current practice and job titles.

Section 3 describes each portfolio in the Cabinet.

Section 4 sets out the officer delegations, and is subject to ongoing revisions necessary to keep it up to date.

Section 5 sets out the Member Job Descriptions (JDs) approved by the Group. The minor amendments to existing JDs proposed by the Group are highlighted.

- 1.2.4 The additional amendment regarding changes to the tenure of Chairmen and Vice-chairmen removes any ambiguity surrounding these roles' duration and avoids any possible concern over being in a position of possibly presiding over their own re-appointment.

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Part 3 – Functions and Responsibilities

The various parts of this section of the Constitution set out the responsibility for functions. These are divided between the Council and/or its Committees, and the Cabinet (the executive). In both cases they are subject to the onward delegation to employees set out in the Scheme of Delegation to Officers.

Section 1 - Responsibility for Local Choice Functions

The table below sets out the Council's decisions on who will be responsible for functions where there is a choice whether these are functions of Council or Cabinet.* These are also subject to the onward delegation to employees set out in the Scheme of Delegation to Officers.

Local Choice Function	Who is Responsible?
1. Any function under a local Act	Cabinet
2. The determination of an appeal against any decision made by or on behalf of the Authority	Council
3. Any function relating to contaminated land.	Council
4. The discharge of any function relating to the control of pollution or the management of air quality.	Council
5. The service of an abatement notice in respect of a statutory nuisance.	Council
6. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area.	Council
7. The inspection of the Authority's area to detect any statutory nuisance.	Council
8. The investigation of any complaint as to the existence of a statutory nuisance.	Council

Local Choice Function	Who is Responsible?
9. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Council
10. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Council
11. The making of agreements for the execution of highways works	Council
12. The appointment of any individual:	
(a) to any office other than an office in which he is employed by the Authority;	Council
(b) to any body other than –	
(i) the Authority; (ii) a joint committee of two or more authorities; or	
(c) to any Committee or Sub-Committee of such a body, and the revocation of any such appointment	

**In accordance with the Local Authorities (Functions and Responsibilities)(England) Regulations 2000, as amended.*

Section 2 - Responsibility for Council functions

2.1 The following parts set out how the Council has chosen to delegate responsibility for certain of its Local Choice and non-executive functions. Other delegations are contained in the Scheme of Delegation to Officers. Where no delegation is indicated, responsibility for Local Choice and non-executive functions remains with the full Council. The delegation of powers and duties to Committees and Sub-Committees shall be deemed to include, in any reference to an Act of Parliament, a reference to any subsequent Act or Acts which may amend, replace or extend it, and to any regulation, order or direction made under such Act or Acts.

2.2 Every Committee appointed by the Council may appoint Sub-Committees for the purposes to be stated by the Committee. The Members of a Sub-Committee will be Members or substitute Members of the appointing Committee.

2.3 Any Committee or Sub-Committee may, within its delegated authority, set up working parties or panels for the detailed study of any matter. Any working party/panel given delegated authority will become a Sub-Committee.

A - Development Control

1 – Remit

The Development Control Committee is authorised to undertake (or sub-delegate) all of the Council's 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 subsequent regulations).

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 above).

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:-

(1) The Committee determines all planning or similar applications which are:

(a) judged by the Head of Planning & Growth (after consultation with the Chairman and/or the Vice Chairman/men of the Development Control Committee) to be of such district-wide significance or to be so contentious that they should in the public interest be referred to the Committee for consideration and determination, and;

(b) applications proposing major development (as defined in Article 1(2) of the Town and Country Planning (General Development Procedure) Order 1995) and where the recommendation of the Head of Planning & Growth would conflict with or would not substantially satisfy the written representation of the Parish/Town Council; or where a Member for the ward in which the application site is located, or who is a Member of the Council's Development Control Committee, has requested (in writing) consideration by Committee, and;

(c) applications proposing other than major development (as defined above) referred by the Head of Planning & Growth following consultation with the Delegation Panel.

(2) A Delegation Panel Scheme (known as "the Panel") has been set up to deal with applications for Planning Permissions, Listed Building Consents, Conservation Area Consent and Prior Notifications. This will apply in cases including applications from householders, advertised matters, applications for change of use, applications for minor residential development (as defined in Article 1(2) of the Town and Country Planning (General Development Procedure) Order 1995), applications for a variation of conditions, applications relating to hazardous substances, notifications in relation to prior approval, TPO applications and applications for works to trees in Conservation Areas.

In cases referred to above where decisions will only be taken following consultation with the Panel which will comprise the Chairman and/or Vice Chairman/men of Development Control Committee and any local Ward Member(s) who has/have expressed any interest in writing.

The Delegation Panel scheme will operate as follows:

(a) Meeting of the Panel will normally take place fortnightly.

(b) A list of applications to be considered at the Panel will be circulated to all Members, and a written briefing report on each case prepared and circulated to the Chairman and Vice Chairman/men of Development Control Committee and any local Member(s) who has/have expressed any interest in writing, at least 4 clear working days in advance of the Panel meeting, with provision for emergency items at the discretion of the Chairman or Vice Chairman/men and

Ward Member(s) or adjacent Ward Member with the approval of the Ward Member(s).

(c) The local Member(s) may attend the Panel or submit representations in writing in order to make sure the Panel is clearly aware of their views and reasoning.

(d) The Council's planning case officer(s) will present individual applications for discussion and decision, including all representations received and photographs of the site.

(e) The formal decision will be made by the Head of Planning & Growth in consultation with the Chairman and/or Vice Chairman/men and any interested local Ward Member. In the absence of a consensus between the Members the application will be reported to the Development Control Committee.

(f) The relevant Parish/Town Council will be informed of the decision verbally by the Council's case officer within 2 working days of the Panel meeting and will be sent written reasons within 10 working days of the Panel meeting with copies to the Chairman, Vice Chairman/men of Development Control Committee and local Member(s).

(3) The Committee is responsible for matters relating to:

(a) Development Control functions and enforcement including (but without limitation):

- (i) The preservation of buildings and trees;
- (ii) Controlling uses of land and buildings, including relocation of non-conforming uses, the making of discontinuance, revocation and modification orders and the making of agreements regulating the development and/or use of land or premises;
- (iii) Determination of planning applications and commenting upon development proposals by Suffolk County Council and other public bodies;
- (iv) Determination of planning applications made by or on behalf of the Council, whether submitted by or on behalf of the Council itself or jointly with another person;
- (v) Determination of applications relating to signs and advertisements;
- (vi) Enforcement by means of issue of enforcement notices, breach of condition notices, stop notices and any other lawful instrument and subsequent prosecution or legal proceedings.

(b) Building Control functions and enforcement, including but without limitation:

- (i) approval of buildings and works under Building Regulations for the time being in force;
- (ii) enforcement action including criminal, injunctive or other legal proceedings;

(c) To fix fees and charges for all services administered by the Committee.

2 – Membership and meeting arrangements

2.1 [SEBC] The Committee will comprise up to 17 Members of the Authority.

[FHDC] The Committee will comprise no more than the minimum number of members necessary to allow appointment on the basis of one member from each ward, unless the obligation to achieve political balance necessitates one further member from that ward but no more.

2.2 The Committee will be appointed annually by the full Council and will be politically balanced.

2.3 The Committee will appoint its own Chairman and Vice-Chairman/Chairmen.

2.4 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.

3 – Delegation of Functions

3.1 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:-

- (a) any such determination being consistent with Development Plans and adopted Borough and County Planning Policies;
- (b) statutory and customary consultations being carried out; and
- (c) the safeguards and consultative procedures listed in part 1 above.

3.2 Those matters which will normally fall to be determined by the Committee are as defined part 1, paragraphs (1)(a) – (c) above. In exercising any of its functions, the Committee may refer any item to Council for a decision.

4 – Procedure at meetings

4.1 Procedure at meetings shall be in accordance with the Committee Procedure Rules, except as provided in 4.2 below.

4.2 The Committee shall have authority to determine from time to time its own arrangements for public speaking on applications, and which matters are to be included within those arrangements.

B. Licensing

1 – Remit

The Licensing and Regulatory Committee (in this section referred to as “the Committee”) is authorised to undertake or sub-delegate 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.

1.1 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).

1.2 The Committee is also authorised to exercise the Council’s Local Choice Functions (as specified in the Table in Section 1) in relation to:-

- (1) the determination of an appeal against any decision made by or on behalf of the Council (other than those relating to employees of the Council), including appeals relating to Discretionary Housing Payments;
- (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.

1.3 The Committee may also authorise a prosecution for any offence within the scope of its delegation.

2 – Membership and Meeting arrangements

2.1 The Committee will comprise up to 13 members (*St Edmundsbury Borough Council*) / up to 10 members (*Forest Heath District Council*). It will be appointed annually by the full Council and may be politically balanced.

2.2 The Committee will appoint its own Chairman and Vice-Chairman/Chairmen.

2.3 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. Sub-committee meetings are also scheduled.

3 – Delegation of functions

3.1 The majority of the Committee's functions will be determined by officers, as set out in section 4 of this part of the Constitution. In normal circumstances, matters will only be brought before the Committee or a sub-committee where there is a difficulty or an appeal against an officer's decision.

3.2 A sub-committee will comprise any three members drawn from the full membership of the Committee and appointed for each occasion when it is needed. In addition there will be one 'reserve' member appointed for each sub-committee meeting in case one of the other members is unavailable or has to withdraw on the day. As far as possible, sub-committees should not comprise members drawn from the same political group or who are all male or all female. All members of the Committee should be given equal opportunities to sit on sub-committees if they have had the relevant training.

3.3 Applications made in respect of the Licensing Act 2003 will be brought before the Committee or a sub-committee in accordance with any regulations published under the Act, the guidance issued under s.182 of the Act and summarised in Table B1 attached.

3.4 Applications made in respect of the Gambling Act 2005 will be brought before the Committee or a sub-committee in accordance with the Scheme of Delegation summarised in Table B2 attached.

3.5 Applications made in respect of Sex Establishments will be brought before the Committee or a sub-committee in accordance with the Scheme of Delegation summarised in Table B3 attached.

4 – Procedure at meetings

4.1 Meetings of the Committee will be conducted in accordance with the Committee Procedure Rules, except when the Committee sits as a hearing, in which case the Hearing Procedure Rules will apply.

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 and 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
Exercise of Responsible Authority Functions of applications and notices submitted to the licensing authority under the Licensing Act 2003 (as amended by the Police and Social Responsibility Act 2011) in accordance with the regulations.		All cases

APPENDIX A

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	

Appendix A

Procedure for hearings of licensing matters

Delegated authority is given to the Licensing and Regulatory Committee to amend its procedures from time to time to comply with legislative requirements and in the interests of fairness and efficiency.

LICENSING ACT 2003 HEARING REGULATIONS - HEARING PROCEDURE

1. Introduction

A Hearing Panel must act as a quasi judicial body. This means that it must follow the rules of natural justice by ensuring that:

- Applicants and licensees know in advance and in reasonable detail anything that is claimed or alleged against them.
- All parties are given a proper opportunity to present their views.
- Only relevant matters are considered.
- The decision taken is reasonable.

A Hearing Panel will also have regard to:

- The Human Rights Act 1998
- Guidance issued under Section 182 of the Licensing Act 2003 (hereinafter called the "2003 Act")
- The Council's Statement of Licensing Policy under the 2003 Act

Notes:

Where a Hearing Panel departs from the Guidance and/or the Council's Statement of Licensing Policy, it will give its reasons for doing so.

2. Definitions

In this document the following definitions apply:

- "Applicant/licensee" means the person who has made an application for a licence under the 2003 Act or a person who has served notice of a temporary event in accordance with the 2003 Act or a person who is the holder of a licence under the 2003 Act;
- "Representation" means a submission by a responsible authority or interested party under the 2003 Act, whether made in response to a consultation by application for review or served in the form of a notice;
- "Party to a hearing" means a person to whom notice of hearing has been given in accordance with column 4 of Schedule 1 attached or who is otherwise entitled to speak at a hearing;
- "Member of the Licensing Authority" means:

a Councillor sitting as a member of the Licensing Act 2003 Sub-Committee hereinafter called a Hearing Panel, or an Officer who has been appointed by the Council as a proper Officer of the Licensing Authority, to carry out the following functions:

- to provide any advice that councillors require to fulfil their functions whether or not it is asked for on:
 - questions of law
 - questions of mixed law and fact
 - matters of practice and procedure
 - the range of options available to the Hearing Panel
 - any relevant decisions of the Courts
 - relevant national guidance or local policy
 - other issues relevant to the matter before the Hearing Panel
 - the appropriate decision making structure to be applied in any case
- to assist where appropriate as to the formulation of reasons and recording decisions
- to question any party to a hearing
- to assist parties to a hearing to clarify evidence and issues
- "Discussion" means to examine by argument and debate.
- "Cross Examination" means the examination of a party or witness with a view to querying or questioning his/her evidence.

3. Hearings will be held in accordance with the Schedule 1 attached which sets out:

Column 1	Provision under a which a hearing may be held
Column 2	The period of time within which the hearing must take place
Column 3	The period of notice that must be given about the hearing
Column 4	The persons to whom notice of the hearing will be given
Column 5	The documents that will accompany the notice of the hearing (if any)
Column 6	The period of time within which a party to a hearing must confirm whether or not they intend to appear

4. Notice of Hearing

A notice of hearing shall be accompanied by the following:

- The rights of a party to a hearing (see paragraph 5 below)
- The consequences of non-attendance
- The procedure to be followed at the hearing (see Schedule 2 attached)
- Any particular points on which the Licensing Authority will want clarification at the hearing

- Any other documents in accordance with Column 5 of Schedule 1 attached

5. Rights of a Party to a Hearing

A party to a hearing

- may be assisted or represented, whether or not that person is legally qualified;
- is entitled to give further information in support of their application or representation where the Licensing Authority has given notice that clarification on certain points is required;
- may question any other party (including the applicant) if given permission to do so by the Licensing Authority;
- may address the Licensing Authority;
- must be aware that, in the event of non-attendance, the hearing may proceed in their absence. However, if a party has indicated that they intend to attend the hearing but fail to do so, the Licensing Authority may, where it is in the public interest, adjourn the hearing to a specified date (but see paragraph 6 below). Alternatively, the hearing may be held in that party's absence (in which case the Licensing Authority will consider the application, representation or notice made by the absent party);
- will be advised of the procedure to be followed (see Schedule 2);

Notes:

- A party to a hearing must confine their submission to the information given in their application or representation unless they are asked by the Licensing Authority to clarify information given in their application or representation.
- Where a party who has confirmed that they intend to appear at a hearing is unable to do so or is unavoidably delayed they must contact the Licensing Authority to explain the reason for their absence. Parties to a hearing are advised to arrive not less than 15 minutes before the hearing commences.
- Each party to a hearing will be allowed an equal maximum period of time to exercise the above rights.
- The maximum period to be allowed will be determined at the commencement of each hearing.
- Where a number of interested parties attend a hearing, all of whom wish to make the same or similar points, they will be invited to appoint a spokesperson. Other interested parties will then be asked to add anything that they consider their spokesperson has omitted. It is not necessary for each interested party to repeat the same points and the Chairman of the hearing will be firm on this point.

6. Action required by party to a hearing following receipt of notice of hearing

A party to a hearing is required to confirm to the Licensing Authority within the period set out in column 6 of Schedule 1:

- Whether or not they intend to attend or be represented;
- Whether they consider the hearing unnecessary;
- To request in writing permission for any other person to attend (as a witness). Any such request must include the person's name and brief description of the point(s) that person may be able make in order to assist the Licensing Authority at the hearing. Any such request will be considered at the beginning of the hearing but such permission shall not be unreasonably withheld.

Notes:

- Any such request will be considered at the commencement of the hearing.
- The submission of the witness must relate to the points contained in the representation made by the party on whose behalf they are appearing. Any other comment(s) must and will be disregarded.

7. Dispensing with a hearing

The Licensing Authority may dispense with a hearing if all the parties to it (other than the Licensing Authority itself) have given notice in writing that it is unnecessary. If all parties give such notice, the Licensing Authority, if it agrees, must forthwith give notice to the parties that the hearing has been dispensed with and determine the application within 10 working days based on the representations that have been made in writing.

8. Withdrawal of representation

A party to a hearing may withdraw any representation by giving notice no later than 24 hours prior to the commencement of the hearing or orally at the hearing itself.

Note: If all representations are withdrawn the application will be approved as submitted.

9. Adjournments and Extensions of time

The Licensing Authority may:

- extend any time limit relating to a hearing set out in Schedule 1 if it considers this necessary in the public interest, provided that any reviews can still be determined within the prescribed time limits and provided that during the transition period the application is not consequently deemed grant or deemed refused.

- adjourn or hold a hearing on additional specified dates where it considers this to be necessary
- adjourn to enable a site meeting to be held.

Notice will be given to all the parties to the hearing stating the period of the extension or the date of the re-scheduled hearing and the reasons for it.

Note: During the transition period any adjournment or extension of time will not re-schedule the hearing later than the following:-

<i>Type of Application</i>	<i>Latest time for hearing</i>
<ul style="list-style-type: none"> • <i>Conversion of premises licence or club premises certificate</i> • <i>Variation of new premises licence or new club premises certificate</i> 	<i>Not later than 2 months beginning on the day the application was received by the Licensing Authority</i>
<i>Application for a personal licence by the holder of a Justices' Licence</i>	<i>Not later than 3 months beginning on the day the application was received by the Licensing Authority</i>

10. Hearings in Public

Hearings will take place in public, unless the Licensing Authority excludes the public from all or parts of a hearing on the grounds that the public interest in doing so outweighs the public interest in the hearing (or that part) taking place in public.

When the public are excluded from a hearing (or part), any party to the hearing, their representative and any person called by them as a witness may also be excluded.

11. Representations and Supporting Documentation

Members of the Licensing Authority may ask any question of any party or other person attending the hearing.

In considering any representation made by a party, the Licensing Authority may take into account supporting documentary or other information produced by that party either before the hearing or, with the consent of all the other parties, at the hearing itself.

Note:

- *If material is to be introduced at the hearing, the party must prepare at least ten copies for distribution to the members of the Licensing Authority and the other parties to the hearing if its submission is permitted.*

The Licensing Authority will disregard any information given at a hearing that is not relevant to:

- The application, representation or notice made by the party concerned (or, in the case of a witness the application, representation or notice of the party on behalf of whom they are appearing), and
- the licensing objectives

It should further be noted that some hearings may only consider the prevention of crime and disorder objective

12. Procedure at a Hearing

The procedure to be followed will be explained at the commencement of the hearing. In general terms the procedure will be that set out in Schedule 2 attached.

The hearing will take the form of a discussion led by the Licensing Authority. Cross-examination will only be permitted if the Licensing Authority agrees that this is required to enable it to fully and properly consider the case being dealt with.

The Licensing Authority may require any person attending the hearing who is behaving in a disruptive manner to leave and may:

- Refuse permission for that person to return, (in which case the person excluded may submit in writing and before the end of the hearing any information that they would have given orally had they not been required to leave), or
- Permit the person to return on specified conditions

13. Determination of Applications

In the case of a hearing relating to any of the following:

- Application for conversion of existing premises licence or club premises certificate
- Application to vary a premises licence or club premises certificate
- Application for personal licence by holder of a Justices' Licence
- Application to vary a licence to specify an individual as a premises supervisor
- Counter notice following police objection to a temporary event notice
- Review of premises licences following closure order

the Licensing Authority may make its determination at the conclusion of the hearing. All parties will be advised of the decision and the reasons for it, together with their right of appeal.

Note: A determination may authorise an Officer of the Licensing Authority to approve an application subject to conditions to be applied in accordance with the decision made at the hearing

In the case of any other hearing, the Licensing Authority will make its determination within 5 working days.

14. Recording Proceedings

A record of proceedings will be taken in a permanent and intelligible form and kept for 6 years from the date of the determination or the disposal of any subsequent appeal, whichever is the later.

15. Irregularities

Any irregularity resulting from failure to comply with the Licensing Act 2003 (Hearings) Regulations 2005 (or any subsequent Regulations) will not of itself render the proceedings void but, if the Licensing Authority considers that any person has been prejudiced as a result of any irregularity, it will take appropriate steps to rectify this or these before reaching its determination.

Clerical mistakes in any document recording a determination, or errors in documentation arising from an accidental slip or omission, may be corrected by the Licensing Authority.

Schedule 1

	Provision under which hearing may be held Column 1 NB: References are to sections of the Licensing Act 2003	Period of time within which hearing must be take place Column 2	Period of Notice that to be given about the Hearing Column 3	Persons to whom notice of hearing will be given Column 4	Documents to accompany notice of hearing (if any) Column 5	The period of time within which a party to hearing must confirm whether or not they intend to appear Column 6
1	Section 18(3)(a) (Determination of application for premises licence)	20 working days commencing day after period of consultation ends	10 working days	The person who has made the application	The relevant representations that have been made	5 working days before day on which hearing is held
				Persons who have made relevant representations		
2	Section 31(3)(a) (Determination of application for a provisional statement – premises to be constructed, extended or altered)	20 working days commencing day after period of consultation ends	10 working days	The person who has made the application	The relevant representations that have been made	5 working days before day on which hearing is held
				Persons who have made relevant representations		
3	Section 35(3)(a) (Determination of application to vary premises licence)	20 working days commencing day after period of consultation ends	10 working days	Holder of premises licence who made application	The relevant representations that have been made	5 working days before day on which hearing is held
				Persons who have made relevant representations		
4	Section 39(3)(a) (Determination of application to vary a premises licence to specify individual as the premises supervisor)	20 working days commencing day after period within which police may object	10 working days	Holder of premises licence who made application	The notice given by the Police	5 working days before day on which hearing is held
				Police		
				The DPS	The notice given by the Police	
5	Section 44(5)(a) (Determination of application for transfer of premises licence)	5 working days commencing day after period within	10 working days	The person who has made the application	The notice given by the Police	5 working days before day on which hearing is
				Police		

	Provision under which hearing may be held Column 1 NB: References are to sections of the Licensing Act 2003	Period of time within which hearing must be take place Column 2	Period of Notice that to be given about the Hearing Column 3	Persons to whom notice of hearing will be given Column 4	Documents to accompany notice of hearing (if any) Column 5	The period of time within which a party to hearing must confirm whether or not they intend to appear Column 6
		which police may object		The holder of the premises licences	The notice given by the Police	held
6	Section 48(3)(a) (Cancellation of interim authority notice on death etc of licence holder following police objections)	5 working days commencing day after period within which police may object	2 working days	The person who has given notice Police	The notice given by the Police	1 working day before day on which hearing is held
Page 71	Section 52(2) (Determination of application for review of premises licence)	20 working days commencing day after period of consultation ends	10 working days	The holder of the premises licence	The relevant representations that have been made	5 working days before day on which hearing is held
				Person who have made relevant representations		
				Person who asked for the review		
8	Section 72(3)(a) (Determination of application for club premises certificate)	20 working days commencing day after period of consultation ends	10 working days	The club that has made the application	The relevant representations that have been made	5 working days before day on which hearing is held
				Persons who have made relevant representations		
9	Section 85(3)(a) (Determination of application to vary club premises certificate)	20 working days commencing day after period of consultation ends	10 working days	The club that has made the application	The relevant representations that have been made	5 working days before day on which hearing is held
				Persons who have made relevant representations		
10	Section 88(2) (Determination of application for review of club premises	20 working days commencing day after period of	10 working days	The Club which holds the club premises certificate	The relevant representations that have been made	5 working days before day on which hearing is

	Provision under which hearing may be held Column 1 NB: References are to sections of the Licensing Act 2003	Period of time within which hearing must be take place Column 2	Period of Notice that to be given about the Hearing Column 3	Persons to whom notice of hearing will be given Column 4	Documents to accompany notice of hearing (if any) Column 5	The period of time within which a party to hearing must confirm whether or not they intend to appear Column 6
	certificate)	consultation ends		Persons who have made relevant representations Person who asked for the review		held
Page 72	Section 105(2)(a) (Counter notice following police objection to Temporary Event Notice)	7 days commencing day after period within which police may object)	2 working days	The premises user		1 working day before day on which hearing is held
				Police		
12	Section 120(7)(a) (Determination of application for grant of a personal licence)	20 working days commencing day after period within which police may object	10 working days	The person who has made the application	The notice given by the Police	5 working days before day on which hearing is held
				Police		
13	Section 121(6)(a) (Determination of application for renewal of a personal licence)	20 working days commencing day after period within which police may object	10 working days	The person who has made the application	The notice given by the Police	5 working days before day on which hearing is held
				Police		
14	Section 124(4)(a) (Convictions coming to light after grant or renewal of personal licence)	20 working days commencing day after period within which police may object	10 working days	The holder of the personal licence	The notice given by the Police	5 working days before day on which hearing is held
				Police		
15	Section 167(5)(a) (Review of premises licences following closure order)	10 working days commencing day after notice given	5 working days	The holder of the premises licence	The relevant representations that have been made	2 working days before day on which hearing is

	Provision under which hearing may be held Column 1 NB: References are to sections of the Licensing Act 2003	Period of time within which hearing must be take place Column 2	Period of Notice that to be given about the Hearing Column 3	Persons to whom notice of hearing will be given Column 4	Documents to accompany notice of hearing (if any) Column 5	The period of time within which a party to hearing must confirm whether or not they intend to appear Column 6
				Persons who have made relevant representations		held
16	Paragraph 4(3)(a) of Schedule 8 (Determination of application for conversion of existing licence)	10 working days commencing day after Police give notice	5 working days	The person who has made the application Police		2 working days before day on which hearing is held
Page 73	Paragraph 16(3)(a) of Schedule 8 (Determination of application for conversion of existing club certificate)	10 working days commencing day after Police give notice	5 working days	The Club that made the application Police		2 working days before day on which hearing is held
	18 Paragraph 26(3)(a) of Schedule 8 (Determination of application by holder of a justices' licence for grant of a personal licence)	10 working days commencing day after Police give notice	5 working days	The person who has made the application Police		2 working days before day on which hearing is held

Schedule 2

LICENSING ACT 2003 – HEARING PROCEDURE

Pre-Hearing Matters

1. Declaration of Interests
2. Chairman will introduce members of the Hearing Panel
3. Chairman will ask those present to introduce themselves in the following order:
 - Applicant/licensee and any person representing or assisting them (Confirmation also should be given that copies of the relevant representations to be considered at the Hearing have been received);
 - The Officer of the Licensing Authority, the Committee Administrator and the Legal Advisor to the Hearing Panel;
 - Responsible authorities that have made a relevant representation;
 - Interested parties who have made a relevant representation (Interested parties should confirm whether a spokesperson has been nominated and, if so identify them).
4. The Chairman will ask all parties to the Hearing whether they wish to withdraw their application or representation.
5. The Chairman will ask the Officer of the Licensing Authority to report:
 - Any requests from a party to the Hearing for permission for a witness to appear in support of their representation. Any such requests will be determined by the Hearing Panel.
 - Any documentary or other information that a party to the Hearing wishes to present. If there is any such material, the Chairman will ask all the other parties to the Hearing whether they consent to it being presented. If they agree, the material will be distributed. If not, the said material may not be distributed unless there are exceptional circumstances which in the Chairman's opinion render it necessary and appropriate for the said material to be presented to the Hearing Panel. In this regard the Chairman's decision will be final.
6. The Chairman will invite the applicant/licensee or his representative to estimate the time required to present their case and ask

questions of other parties to the Hearing. He will then ask the other parties to the Hearing whether they will require a longer period to present their representation and question the applicant. The Hearing Panel will determine the maximum period of time allowed for each party to put their case. This decision will be final.

THE HEARING

Immediately the pre-Hearing matters have been dealt with the Hearing will commence.

1. The Chairman will ask the Officer of the Licensing Authority to summarise the matter under consideration.
2. The members of the Hearing Panel, the applicant, and those making representations may ask questions of the Officer of the Licensing Authority.
3. Starting with the applicant or licensee, each party will exercise their rights within the identified maximum time, as follows:
 - Each party to present their case, including responding to any points of which the Licensing Authority has previously given notice, and call any approved witness or witnesses in support of their case.
 - If given permission by the Chairman, and only through the Chairman of the Hearing, each party may raise questions of any other party or witness/witnesses.
4. The applicant/licensee or his representative will be asked to sum up their case.
5. All those present, other than the members of the Hearing Panel, their Legal Advisor and the Committee Administrator, will be asked to leave the meeting to allow Members to determine the application.
6. All parties will be recalled. The Legal Advisor to the Hearing Panel will advise those present of any advice that has been provided during the determination. The Chairman will then:
 - either announce the decision, together with the reasons for it if it is a Hearing in relation to an application for which the Licensing Authority may make its determination at the conclusion of the Hearing;or
 - advise all the parties that the Licensing Authority will make its determination within 5 working days, in which case

notification of the determination will be sent out in writing (including the rights of appeal) to all relevant parties not later than 5 working days after the Hearing date.

7. In the event of the Licensing Authority making its determination at the conclusion of the Hearing the Chairman will outline the rights of appeal. The decision and rights of appeal will also be confirmed in writing by the Officer of the Licensing Authority forthwith.
8. Nothing within paragraph 6 above will preclude a Licensing Authority from making its determination at the conclusion of any Hearing, should the Hearing Panel so decide. It is entirely within the discretion of the Members of the said Panel whose decision in this regard will be final.

C. Other Committees

Overview and Scrutiny Committee Performance and Audit Scrutiny Committee

Details of the functions and procedures of these committees are set out in Article 7 of this constitution and in the Overview and Scrutiny Procedure Rules.

Joint Committees / Panels:

C. 1 Anglia Revenues and Benefits Partnership Joint Committee

- 1.1 The following of the Council's powers have been delegated to the Anglia Revenues and Benefits Partnership which is a Joint Committee pursuant to Section 101(5) of the Local Government Act 1972 and Section 20(1) of the Local Government Act 2000. The Joint Committee has the power to:
- 1.2 Implement and administer the statutory Council Tax Benefit and Housing Benefit scheme (including the investigation and prosecution of benefit fraud) and the Localised Council Tax Support Scheme,
- 1.3 Determine all applications for Relief from the National Non-Domestic Rate under the terms of the Local Government Finance Act 1988 in accordance with the approved criteria.
- 1.4 Determine all applications arising from the granting of Non-Domestic Rate Discretionary Relief, in respect of the village shop rate relief scheme, under the terms of the Local Government Finance Act 1988.
- 1.5 Determine all applications arising for the granting of non-Domestic Rate Discretionary Relief, in respect of the charity shop rate relief scheme, under the terms of the Local Government Finance Act 1988.
- 1.6 Undertake the relevant consultations with National Non-Domestic Ratepayers under Section 134 of the Local Government Finance Act 1988.
- 1.7 Deal with any applications for relief from National Non-Domestic Rate liability under Section 44 and 45 of the Local Government Finance Act 1988.
- 1.8 Administer all relevant matters in connection with the administration of the Council Tax under the appropriate legislation and any specific determinations made or policies

set by the Council in connection with Council Tax administration.

- 1.9 Take all necessary steps in respect of the demand, collection and recovery of business rates.
- 1.10 The Joint Committee is given power to authorise such officers as it thinks fit and appropriate to act on its behalf in relation to:
 - Council Tax matters including billing, collection and recovery.
 - Council Tax appeals including appearing at the local valuation tribunal hearings.
 - National Non-Domestic Rates including billing, collection, recovery and representation at court and tribunals.
 - Benefit Fraud, including its investigation , instructions to prosecute, the imposition of sanctions including penalties and recovery of overpayments
 - The Localised Council Tax Support Scheme

C.2 Joint Officer Appeals Committee

1. Membership and Meeting Arrangements

This is a joint Committee between Forest Heath District Council and St Edmundsbury Borough Council. Membership of the joint Committee will comprise six Members, three from each authority. In addition, each authority will be able to appoint one substitute Member.

The Committee will be appointed annually by the full Council and will be politically balanced.

Any Member of the Council may serve on the Committee provided that they are not also a Member of the Joint Officer Appointments Committee.

The Committee will appoint its own Chairman and Vice Chairman.

The Committee will meet on an ad hoc basis as required.

2. Functions/Remit

To consider appeals against dismissal and grievances by Chief Officers of Forest Heath District Council and St Edmundsbury Borough Council.

C.3 Joint Officer Appointments Committee

1. Membership and Meeting Arrangements

This is a joint Committee between Forest Heath District Council and St Edmundsbury Borough Council.

Membership of the Joint Committee will comprise six Members, three from each authority. In addition, each authority will be able to appoint one substitute Member.

The Committee will be appointed annually by the full Council and will be politically balanced.

Any Member of the Council may serve on the Committee provided that they are not also a Member of the Joint Officer Appeals Committee.

The Committee must also contain at least one Member of the Cabinet.

The Committee will appoint its own Chairman and Vice Chairman.

The Committee will meet on an ad hoc basis as required.

2. Functions/Remit

To deal with the appointment, discipline and termination of employment of Joint Directors of Forest Heath District Council and St Edmundsbury Borough Council.

C.4 West Suffolk Joint Emergency Planning Panel

1. The Panel's membership will be drawn from both Forest Heath District Council (FHDC) and St Edmundsbury Borough Council (SEBC).
2. The Panel will consider both authorities' emergency preparedness arrangements and who can provide guidance to support the development of executive action by officers of both authorities in times of emergency:
 - 2.1 To provide a group of members who can develop an enhanced level of understanding of emergency planning issues.
 - 2.2 To provide a forum for the discussion of emergency preparedness issues.

- 2.3 To provide policy guidance on emergency planning arrangements to ensure alignment with corporate policies and direction.
- 2.4 To provide a link with other members to promote resilience within communities
- 2.5 To be authorised by both Cabinets to make recommendations directly to the Emergency Planning Officer on means to promote both emergency preparedness and community resilience within existing policies and budgets.
- 2.6 To make recommendations to both FHDC and SEBC's Cabinets about policies and actions required to develop and maintain effective emergency preparedness arrangements and ensure that the authorities can support the emergency services and communities during emergencies.
- 2.7 To assist both FHDC and SEBC's Cabinets with the dissemination of information to other members during an emergency.
- 2.8 At the discretion of the Chairman, in the event that either:
 - (a) an emergency event arises which affects the area of either authority, or
 - (b) the risk of an emergency that affects the area of either authority is assessed as significant by Suffolk County Council's Head of Emergency Planning, an extraordinary meeting of the Panel may be called.

3. Membership

- 3.1 To comprise 8 members, 4 from each authority.
- 3.2 Each authority may nominate one substitute member who may attend in the absence of any member of their authorities.
- 3.3 A quorum will be three, with at least one member present from each authority.
- 3.4 At the discretion of the Chairman, members of either Council who are not members of the panel may be invited to attend/speak.

4. Chairmanship

- 4.1 The Panel will elect a Chairman and Vice-Chairman from its membership. The Vice-Chairman will be from the opposite authority to the Chairman.
- 4.2 Except if agreed otherwise, the Chairmanship will rotate between the two authorities on a two yearly basis (i.e. 4 programmed meetings).

5. Meetings

- 5.1 Meetings will be hosted alternately at the offices of the two Councils, unless an alternative location is agreed by the panel.

6. Meeting Frequency

- 6.1 Every 6 months, or as appropriate.

C.5 West Suffolk Joint Growth Steering Group

- 1. To advise the Cabinets of Forest Heath District Council (FHDC) and St Edmundsbury Borough Council (SEBC) on:
 - (a) creating the conditions to encourage and support sustainable growth across the whole of the West Suffolk area;
 - (b) common planning policy affecting both districts; and
 - (c) monitoring the delivery of the West Suffolk Six Point Plan for Jobs and Growth.
- 2. The Steering Group comprises 12 Members, six from each Council. The Chairmanship and Vice-Chairmanship will rotate annually between the two Councils.
- 3. Membership of the Steering Group to be politically balanced, and each Council must ensure that its Development Control Committee and planning policy bodies (the Local Development Framework Working Group in the case of FHDC and the Sustainable Development Working Party in the case of SEBC) are represented, alongside Members of the two Cabinets.
- 4. Two Substitute Members be appointed to each 'side' of the Group in accordance with the political balance of each authority.

5. The quorum of the Steering Group be specifically defined as three Councillors from each Council (six in total).
6. The Group is given the flexibility to directly co-opt up to two voting or non-voting external representatives to its membership, in such a manner as it sees fit.
7. Meetings will be governed by normal Access to Information rules (The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012) in both Councils.
8. Frequency of meetings would initially be quarterly, but this be reviewed in the light of workload.

C.6 West Suffolk Joint Health and Safety Panel

1. Overview

- 1.1 The Panel's membership will be drawn from Councillors and staff of both Forest Heath District Council (FHDC) and St Edmundsbury Borough Council (SEBC).
- 1.2 The Panel will consider both authorities' health and safety arrangements and provide guidance to support the development of executive action by officers of both authorities, including policy guidance.
- 1.3 To provide a group of Members who can develop an enhanced level of understanding of health and safety matters.
- 1.4 To make recommendations to the Cabinets and/or officers of both authorities about policies and actions required to develop and maintain effective health and safety arrangements.

2. Constitution

- 2.1 The West Suffolk Joint Health and Safety Panel shall comprise 12 Members. Three Councillors from both Forest Heath District Council (FHDC) and St Edmundsbury Borough Council (SEBC), to be the 'employers' side'. Six members of staff from across the two authorities to be the 'employees' side', drawn from the officer Joint Health and Safety Group.
- 2.2 A substitute Member from each authority on the employer's side and two substitutes from the employees' side to provide a total of six full members and two substitute members on each 'side' shall be permitted.

- 2.3 It shall be the Health and Safety Manager's duty to attend and advise the Panel.
- 2.4 The Panel shall appoint a Chairman and Vice-Chairman from its members. When the Chairman is a Member of one side of the Panel, the Vice-Chairman shall be a Member of the other side.
- 2.5 The Panel may invite attendance of any person whose particular knowledge or experience may assist the Panel in its considerations. Such attendance shall be in a consultative capacity and only for the period during which the relevant subject is under consideration.

3. Terms of Reference

- 3.1 The Panel shall keep under review all matters relating to the health, safety and welfare of the Councils' employees, and to the protection of other persons against risks arising out of the work activities of the employees and of persons working under contract.
- 3.2 To review and monitor the Joint Health and Safety Policy and recommend amendments to the Officers and/or Cabinet of both authorities in accordance with their respective schemes of delegation. Specifically, the Panel will work directly with the Health and Safety Manager to review and implement revisions to the operational instructions and annexes contained in Part 5 of the Policy ("Arrangements") under his/her delegated authority to make such changes.
- 3.3 Without prejudice to the foregoing terms, items for particular consideration may include:-
 - (a) the study of accidents and diseases, and in particular those notifiable to the Health and Safety Executive;
 - (b) considering and making recommendations in respect of items submitted by the staff Joint Health and Safety Group;
 - (c) consideration of reports and information from the Inspectors of the Health and Safety Executive;
 - (d) consideration of reports submitted by Safety Representatives;
 - (e) the development of safety procedures and safe systems of work;
 - (f) recommending and monitoring the effectiveness of employee safety training;
 - (g) the presentation of publicity on safety matters; and
 - (h) inspecting or arranging for an inspection of any particular area or activity.

4. Arrangements and Procedures

- 4.1 Meetings shall normally be held three times a year but, exceptionally, the Chairman may decide, after consultation with the Health and Safety Manager, to convene an extraordinary meeting at any time or to cancel a scheduled meeting due to lack of business to transact. Meetings to alternate between a venue in SEBC and FHDC or as agreed by the Panel.
- 4.2 Agendas shall be prepared by the Democratic Services Section, after discussion with the Health and Safety Manager, and shall be made available at least five days before the meeting.
- 4.3 The quorum for the Joint Health and Safety Panel shall be four, comprising at least two employee representatives, and two Members, one from each authority.
- 4.4 Voting shall be by a show of hands and simple majority.
- 4.5 The report from the Joint Health and Safety Panel to the respective Cabinets shall be by way of presentation of the minutes or in a format agreed by the Cabinet.

C.7 West Suffolk Joint Staff Consultative Panel

1. Overview

- 1.1 The Panel's membership will be drawn from Councillors and staff of both Forest Heath District Council (FHDC) and St Edmundsbury Borough Council (SEBC). The definition of 'staff' includes all groups of employees covered by the National Joint Council for Local Government Services.
- 1.2 The Panel will consider both authorities' staffing arrangements and provide a regular forum to secure the largest measure of agreement between the Councils as employers and Trade Union employees regarding matters directly affecting employment by the Councils.
- 1.3 To provide a group of Members who can develop an enhanced level of understanding on staffing matters.
- 1.4 To make recommendations to the Cabinets of both authorities about policies and actions required to develop and maintain effective employee/employer arrangements.

2. Constitution

- 2.1 The Joint Staff Consultative Panel shall comprise 12 Members. Three Councillors from both FHDC and SEBC,

which desirably reflects the political balance of each Council, to be the 'employers' side.

- 2.2 Six members of staff from across the two authorities to be the 'employees' side', nominated by the Trade Unions recognised by the Authorities in accordance with the formula set out below:-
 - (a) employee representatives appointed by each of the Trade Unions recognised by the authorities should be on a proportional basis to the total number of employees within the individual union compared to the total Trade Union membership; and
 - (b) each Trade Union recognised by the Authority shall have a minimum of one seat.
- 2.3 The Trade Unions recognised by the Authorities shall represent all Council employees. This will include raising issues on behalf of non-Trade Union members, should they be requested.
- 2.4 In the event of any failure to appoint/elect the number of representatives provided for by this Constitution, such failure to appoint/elect shall not invalidate the decisions of the Panel.
- 2.5 Two substitute Members shall be permitted from each authority on the 'employer's side' and four substitutes shall be permitted from the 'employees' side' to provide a total of 6 full Members and 4 substitute Members on each 'side'.
- 2.6 It shall be the duty of a senior Human Resource Officer to attend and advise the Panel.
- 2.7 The Panel shall elect a Chairman and Vice-Chairman from its members. When the Chairman is a Member of one side of the Panel, the Vice-Chairman shall be a Member of the other side. The Chairman of the Panel shall be rotated on an annual basis between the Employees' and Employers' side. The Chairman of the meeting shall not have a casting vote.
- 2.8 The Panel may invite attendance by any person whose particular knowledge or experience may assist the Panel in its considerations. Such attendance shall be in a consultative capacity and only for the period during which the relevant subject is under consideration. In addition, the Employee side may arrange for the attendance of a Trade Union official at any meeting of the Panel, subject to the prior agreement of the Chairman and Vice Chairman.

3. Terms of Reference

- 3.1 To establish and maintain methods of negotiation and consultation, to consult on matters affecting the employment of all groups of employees of the Councils, with a genuine commitment to seek consensus and enter into agreements, as appropriate.
- 3.2 These matters may include such subjects as:-
- (a) application or implementation of National Agreements;
 - (b) application or implementation of Local Agreements or local conditions of service;
 - (c) productivity or performance arrangements;
 - (d) issues referred to the Panel by the Trade Unions as provided for by the formal 'Consultation Procedures' (Employment Restructuring & Redundancy);
 - (e) working conditions;
 - (f) welfare and health of employees;
 - (g) personnel procedures including recruitment, sickness, discipline and handling of grievances and redundancies;
 - (h) training & development of employees;
 - (i) equality issues; and
 - (j) any issue referred to the Joint Staff Consultative Panel by the Cabinets.
- 3.3 Issues affecting individuals (e.g. pay, discipline) are excluded from consideration unless they represent matters of principle which are of general application to employees.

4. Authority of the Panel

- 4.1 Decisions of the Joint Staff Consultative Panel shall be in accordance with the voting arrangements set out in paragraph 5.4 below and shall be subject to the approval of the Cabinets, as provided for by the Councils' Schemes of Delegation.

5. Arrangements and Procedures

- 5.1 Meetings shall normally be held quarterly but, exceptionally, the Chairman may decide, after consultation with a Senior Human Resources Officer to convene an extraordinary meeting at any time or to cancel a scheduled meeting due to lack of business to transact. Meetings to alternate between a venue in SEBC and FHDC or as agreed by the Panel.
- 5.2 Agendas shall be prepared by the appropriate Committee Services Section, after discussion with a Senior Human Resources Officer, Chairman and Vice Chairman, and shall be circulated at least five working days before the meeting.

- 5.3 The quorum for the Joint Staff Consultative Panel shall be four, comprising at least two Employee representatives and two Members, one from each authority.
- 5.4 Voting shall be by a show of hands and simple majority. No motion shall be regarded as carried unless it has been approved by a majority of Employer representatives and a majority of Employee representatives present and voting.
- 5.5 The report from the Joint Staff Consultative Panel to the respective Cabinets shall be by way of presentation of the minutes/draft minutes or by way of a brief report in a format agreed by the Cabinet.
- 5.6 If the Panel is unable to agree and no local settlement can be achieved, the matter may be referred by either side to the Cabinets.

C.8 West Suffolk Joint Standards Committee

1. Membership and Meeting Arrangements

This is a Joint Committee between Forest Heath District Council and St Edmundsbury Borough Council. Membership of the Joint Committee will comprise six Members, three appointed by each authority.

To ensure a wide representation across the authorities, political balance rules do not apply to this Committee.

2. Functions/Remit

The Joint Standards Committee will have the following roles and functions in respect of both Forest Heath District Council and St Edmundsbury Borough Council:-

- (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 Section 34 of the Localism Act 2011.
- (g) considering a report from the Monitoring Officer in respect of an allegation of a breach of the Members' Code of Conduct.

- (h) dealing with a report from the Monitoring Officer in respect of an allegation of a breach of the Members' Code of Conduct of a Town or Parish Council within the District of Forest Heath and the Borough of St Edmundsbury.

The West Suffolk Joint Standards Committee will not cover the conduct of Officers, for which separate provisions apply.

C.9 West Suffolk Joint Independent Remuneration Panel

To make recommendations to Forest Heath District Council and St Edmundsbury Borough Council on Members' Allowances as set out in the Local Authorities (Members' Allowances) (England) Regulations 2003.

To consider the existing scheme of allowances for Members and to prepare a report for submission to the District and Borough Councils recommending a scheme of allowances encompassing:

1. Basic allowance of Members.
2. Special responsibility allowances for Members who have special responsibilities.
3. Travel and subsistence allowances.
4. Child Care and Dependent Carers' allowances.
5. Co-optees allowances.
6. Annual adjustment/increase of allowances.
7. Any other issues that the Panel deem to be appropriate.

In addition, the Panel may wish to consider the following criteria when taking into account the review the allowances:

1. Comparisons with allowances paid by other Suffolk Authorities.
2. Workload and level of responsibility.
3. Affordability.

Note: The Members' Allowances for both Forest Heath District Council and St Edmundsbury Borough Council to remain as two separate schemes.

FHDC Working Group:

C.10 Local Plan Working Group

Terms of Reference

1. To consider the appropriate issues and to advise the Cabinet in relation to the Local Plan Review process, with the aim of producing an appropriate Local Plan (and related documentation).

Membership

2. To comprise 9 Members – politically balanced.

SEBC Committees /Working Parties:

C.11 Sustainable Development Working Party

1. 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 specific to the district; and
 - (ii) consider and advise on strategic transportation matters and investment in highway schemes that are of more than local significance.
2. All Members of the Council will be invited to attend meetings of the Working Party.

C.12 Democratic Renewal Working Party

1. Membership and Meeting Arrangements

The composition of the Working Party shall reflect the political group representation on the Council.

Any Member of the Authority may serve on the Working Party.

The Working Party will be appointed and meet as and when required.

2. Functions/Remit

The terms of reference of the Democratic Renewal Working Party are to:

- (a) recommend changes to the Council's decision making structure and procedures at Council meetings;
- (b) recommend amendments to the Council's Constitution;
- (c) advise on electoral matters;
- (d) review appointment procedures to outside bodies; and
- (e) further local democracy and citizenship, including guidance for officers on arrangements for Local Democracy Week.

C.13 Mayoral Advisory Committee

1. Membership and Meeting Arrangements

Seven Members of the Authority appointed annually by the Proper Officer in accordance with the nominations of Group Leaders. The composition of the Committee shall reflect the political group representation on the Council, the Mayor to be consulted as necessary.

Any Member of the Authority may serve on the Committee.

The Committee will be appointed and meet as required prior to the Annual meeting of the Council.

2. Functions/Remit

To make a nomination direct to the Council regarding the selection of the Mayor of the Borough.

C.14 Grant Working Party

To consider grant applications and recommend the level of grants payable to organisations to officers or the Cabinet, based on the policies agreed by Council and in accordance with the criteria for Community Chest Grant funding and Rural Area Initiative Grant funding.

Also:

Bury St Edmunds Area Working Party

Haverhill Area Working Party

Rural Area Working Party

The Cabinet will be reviewing the future of these Area Working Parties at its meeting on 8 December 2015,

Section 3 - Responsibility for 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:-

St Edmundsbury Borough Council

Portfolio	Areas of Responsibility
Leader of the Council	No Portfolio
Families and Communities	<ol style="list-style-type: none"> 1. Corporate communications 2. Corporate strategy/planning and co-ordination 3. Crime and community safety 4. Customer Services, access and engagement 5. Equalities and diversity 6. Families and Communities 7. Future of public services and service integration 8. Health
Deputy Leader with responsibility for Housing (<i>also lead on housing for FHDC</i>)	<ol style="list-style-type: none"> 1. Choice based lettings 2. Homelessness advice 3. Public health 4. Safeguarding 5. Social care 6. Strategic housing (including private sector housing and DFG policy)
Leisure and Culture	<ol style="list-style-type: none"> 1. Heritage and culture 2. Parks and open spaces (inc trees) 3. Sport
Operations	<ol style="list-style-type: none"> 1. Car parking 2. CCTV 3. Cemeteries 4. Fleet management 5. Grounds maintenance 6. Land drainage 7. Markets (delivery) 8. Operations 9. Property services and estate management 10. Public conveniences

Portfolio	Areas of Responsibility
	<ul style="list-style-type: none"> 11. Refuse/recycling 12. Street scene 13. Tourism (operations)
Planning and Growth	<ul style="list-style-type: none"> 1. Building control 2. Conservation 3. Development control 4. Economic development 5. Enforcement 6. Environmental health 7. Growth areas and regeneration 8. Licensing 9. Planning policy 10. Rural development 11. Tourism (strategic) 12. Town centres
Resources and Performance	<ul style="list-style-type: none"> 1. Business development/commercial 2. Cabinet management and support 3. Civic office (Mayor) 4. Democratic services (inc members' support) 5. Financial services (inc audit) 6. Health and safety 7. Human resources (inc payroll) 8. ICT 9. Learning and development 10. Legal services 11. Performance and risk management 12. Procurement 13. Scrutiny management and support

Forest Heath District Council

Portfolio	Areas of Responsibility
Families and Communities	<ul style="list-style-type: none"> 1. Corporate communications 2. Corporate strategy/planning and co-ordination 3. Crime and community safety 4. Customer Services, access and engagement 5. Equalities and diversity 6. Families and Communities 7. Future of public services and service integration 8. Health

APPENDIX A

Portfolio	Areas of Responsibility
Whole Cabinet <i>(with Portfolio Holder for Housing at SEBC being the shared lead Councillor)</i>	<ol style="list-style-type: none"> 1. Choice based lettings 2. Homelessness advice 3. Public health 4. Safeguarding 5. Social care 6. Strategic housing (including private sector housing and DFG policy)
Leisure and Culture	<ol style="list-style-type: none"> 1. Heritage and culture 2. Parks and open spaces (inc trees) 3. Sport
Operations	<ol style="list-style-type: none"> 1. Car parking 2. CCTV 3. Cemeteries 4. Fleet management 5. Grounds maintenance 6. Land drainage 7. Markets (delivery) 8. Operations 9. Property services and estate management 10. Public conveniences 11. Refuse/recycling 12. Street scene 13. Tourism (operations)
Leader of the Council with responsibility for Planning and Growth	<ol style="list-style-type: none"> 1. Building control 2. Conservation 3. Development control 4. Economic development 5. Enforcement 6. Environmental health 7. Growth areas and regeneration 8. Licensing 9. Planning policy 10. Rural development 11. Tourism (strategic) 12. Town centres
Resources and Performance	<ol style="list-style-type: none"> 1. Business development/commercial 2. Cabinet management and support 3. Civic office 4. Democratic services (inc members' support) 5. Financial services (inc audit) 6. Health and safety 7. Human resources (inc payroll) 8. ICT 9. Learning and development

APPENDIX A

Portfolio	Areas of Responsibility
	10. Legal services 11. Performance and risk management 12. Procurement 13. Scrutiny management and support

Section 4 - Scheme of Delegation to Officers

A. General

1. This section of the scheme for the Responsibility for Functions delegates powers and duties of St Edmundsbury Borough Council/Forest Heath District Council to officers under Section 101 of the Local Government Act 1972, and all other powers enabling delegations, but is not intended to be by way of limitation of the powers provided in that Section.

2. It is also adopted with the intent that it shall lead to a streamlining and simplification of the processes of the Council and, accordingly, it should be interpreted widely rather than narrowly.

3. Where broad functional descriptions are used, the delegations in this scheme should be taken to include powers and duties within all present and future legislation, and all powers incidental to that legislation, including the incidental powers and duties under Section 111 of the Local Government Act 1972.

4. This scheme of delegations shall operate in addition to any previous, or short-term, delegations. Prior to each update of this document, it may also be superseded by revised or new delegations, properly agreed in accordance with the Council's Constitution but not yet incorporated.

5. In this scheme of delegations any reference to a specific Statute, Statutory Instrument, Regulation, Byelaw, Order, or any section, article, paragraph or part thereof, shall be deemed to incorporate reference to any enactment amending, re-enacting, or replacing the same.

6. Any reference to the masculine includes the feminine and vice versa.

Overall Limitations

7. This scheme does not delegate to officers:-

- (a) any matter reserved by law to the Council, the Cabinet, a Committee or Sub-Committee of the Council; and
- (b) any matter which is specifically excluded from delegation by the scheme or by resolution of the Council or Cabinet.

8. Officers may only exercise delegated powers in accordance with:-

- (a) the Council's Rules of Procedure contained in Part 4 of this Constitution including the Financial Procedure Rules and Contract Procedure Rules;
- (b) all plans, policies, schemes or strategies approved by or on behalf of the Council;

- (c) any statutory restrictions, guidance or statutory code of practice;
- (d) the statutory and local requirements in respect of the taking and recording of Key Decisions;
- (e) the revenue and capital funding for the relevant service as approved by the Council, subject to any variations which are permitted by virtue of the Council's Rules of Procedure; and
- (f) the Council's Equal Opportunities and other policies, procedures, standards and the Local and National Conditions of Service.

Sub-Delegation

9. Any officer with delegated powers in this scheme is also authorised to further delegate in writing all or any of the delegated functions to other officers (described by name or post) either fully or under the general supervision and control of the delegating officers. Sub-delegations shall be recorded in a register kept by the Monitoring Officer. Administrative functions ancillary to the exercise of delegated powers are deemed to be carried out in the name of the officer exercising the function.

Further Provisions

10. It shall always be open to an officer not to exercise his or her delegated powers but to refer the matter to the Council, Cabinet, or relevant Committee (as appropriate) for decision.

11. In exercising delegated powers, officers shall consult other officers as appropriate and have regard to any advice given. In particular, officers must have regard to any report by the Head of Paid Service or the Monitoring Officer under Sections 4 and 5 of the Local Government and Housing Act 1989 or of the Chief Finance Officer under Section 114 of the Local Government and Housing Act 1988.

12. In exercising delegated powers, officers shall consider whether the matter is controversial or significant and if so shall as appropriate consult or inform the relevant Portfolio Holder and/or Ward Member(s).

Delegation in the case of absence or inability to act

13. If the following officer/s having delegated authority under the Scheme are absent or otherwise unable to exercise their delegation, and there is no other officer to whom the authority has been sub-delegated, these provisions shall apply:

Head of Resources and Performance – the Service Manager (Resources and Performance) shall be responsible for the administration of the financial affairs of the Council pursuant to Section 151 of the Local Government Act 1972 and to act generally as the Council's Chief Finance Officer under the terms of the Local Government Act 1988.

Other Heads of Service – the powers shall be exercisable by a Director.

Service Managers – the powers shall be exercisable by the relevant Head of Service.

B. Budget Setting and Medium-Term Planning, Budget Monitoring and Control and Resource Allocation

1. Budget Setting and Medium-Term Planning

1.1 Overarching Principles

1.1.1 The Council is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with priorities and statutory obligations. The budget is the financial expression of the authority's plans and policies.

1.1.2 The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans, statutory services and priorities of the Council. Budgets (spending plans) are needed so that the authority can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for an authority to budget for a deficit.

1.1.3 Medium-term financial planning involves a planning cycle in which managers develop their plans. As each year passes, another future year is added to the medium-term plan. This ensures that the authority is always preparing for events in advance. The Medium Term Financial Strategy (MTFS) reflects this forward planning financially.

1.2 Key controls

1.2.1 The key controls for budget setting and medium-term planning are:-

(a) budget managers are consulted and involved in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set out in the Constitution for their budgets and the level of service to be delivered; and

(b) a monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

1.3 Responsibilities

1.3.1 Chief Finance Officer

(a) Prepare and submit reports on budget prospects as part of the annual financial planning cycle, including resource constraints set by the Government and other external factors. Reports should take account of medium-term prospects, where appropriate. Prepare reports at intervals during the year in specific circumstances, such as prior to approval of additional expenditure and at regular intervals for Performance and Audit Scrutiny Committee.

(b) Prepare and submit the annual budget to full Council, on the basis of information provided by the Leadership Team and budget holders.

(c) Advise on the medium-term implications of spending decisions.

(d) Encourage the best use of resources and value for money by working with the Chief Officers and their staff to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.

(e) To advise the full Council in accordance with his or her responsibilities under Section 151 of the Local Government Act 1972.

1.3.2 Heads of Service

(a) Prepare budgets on the basis of service priorities and statutory obligations, within the overall context of the Cabinet's agreed priorities.

(b) Prepare budgets that are consistent with any relevant limits, as part of the authority's annual budget cycle and within guidelines issued by Cabinet (for example relating to the setting of council tax).

(c) Integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.

- (d) When drawing up draft budget requirements, have regard to:-
- (i) spending patterns and pressures revealed through the budget monitoring and budget setting processes;
 - (ii) legal requirements;
 - (iii) policy requirements as defined by the Council in the approved policy framework; and
 - (iv) initiatives already under way.

2. Budget Monitoring and Control

2.1 Overarching Principles

2.1.1 Budget management ensures that once the budget has been approved by Council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the authority to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers to account for defined elements of the budget.

2.1.2 By continuously identifying and explaining variances against budgetary targets, the authority can identify changes in trends and resource requirements at the earliest opportunity. The authority itself operates within an annual financial limit, approved when setting the

overall budget. To ensure that the authority in total does not overspend, each service is required to manage its own expenditure within the limited budget allocated to it.

2.1.3 For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre. However, budgetary control may take place at a more detailed level if this is required by the Head of Service's scheme of delegation.

2.2 Key controls

2.2.1 The key controls for managing and controlling the revenue budget are that:-

- (a) budget managers should be responsible only for income and expenditure that they can influence;
- (b) there is a nominated budget manager for each cost centre heading;
- (c) budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities;
- (d) budget managers follow an approved certification process for all expenditure;
- (e) income and expenditure are properly recorded and accounted for; and
- (f) performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.

2.3 Responsibilities

2.3.1 Chief Finance Officer

(a) Establish an appropriate framework of budgetary management and control which ensures that:-

- (i) budget management is exercised within annual budget limits unless otherwise agreed by an appropriately authorised body or officer;
- (ii) each Head of Service has available timely information on income and expenditure for each budget, which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities;
- (iii) expenditure is committed only against an approved budget head;
- (iv) all officers responsible for committing expenditure comply with relevant guidance, and the financial regulations;
- (v) each cost centre has a single, named manager, determined by the relevant Chief Officer. As a general principle, budget

responsibility should be aligned as closely as possible to the decision-making process that commits expenditure; and

(vi) significant variances from approved budgets are investigated and reported by budget managers on a regular basis.

(b) To administer the authority's scheme of virement.

(c) To prepare and submit regular reports to the Cabinet and Performance and Audit Scrutiny Committee on the authority's projected income and expenditure compared with the budget on a regular basis.

(d) Where a Head of Service is unable to balance expenditure and resources within existing approved budgets under his or her control, to submit reports to the Performance and Audit Scrutiny committee, in consultation with the relevant Chief Officer.

2.3.2 Heads of Service

(a) Maintain budgetary control within their responsibility, in adherence to the principles in 2 above, and to ensure that all income and expenditure are promptly and properly recorded and accounted for.

(b) Ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the Head of Service (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.

(c) Ensure that spending remains within the service's overall financial limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.

(d) Ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.

(e) Ensure prior approval by the Cabinet and Council (as appropriate) for new proposals that create financial commitments in future years.

(f) To ensure compliance with the scheme of virement.

(g) Agree with the relevant Head of Service where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or Head of Service level of service activity.

3. Resource Allocation

3.1 Overarching Principles

3.1.1 A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfil need/desire. It is therefore imperative that needs/desires are carefully prioritised and that resources are fairly allocated, in order to fulfil all legal responsibilities. Resources may include staff, money, equipment, goods and materials.

3.2 Key controls

3.2.1 The key controls for resource allocation are:-

- (a) resources are acquired in accordance with the law and using an approved authorisation process;
- (b) resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for;
- (c) resources are securely held for use when required; and
- (d) resources are used with the minimum level of waste, inefficiency or loss for other reasons.

3.3 Responsibilities

3.3.1 Chief Finance Officer

- (a) Advise on methods available for the funding of resources, such as grants from central government and borrowing requirements.
- (b) Assist in the allocation of resources to budget managers.

3.3.2 All Heads of Service

- (a) Work within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way.
- (b) Ensure that delegated budgets are appropriately managed in line with the West Suffolk Financial Procedure Rules and other policy requirements.

C. The Joint Chief Executive

The Joint Chief Executive has been appointed the Council's Head of Paid Service.

The following powers and duties are delegated to the Joint Chief Executive. With the exception of (d) below, for which there are separate arrangements, if he or she is absent or otherwise unable to exercise the delegation, they may be exercised by one of the Directors. In the case of (a) below, should the Joint Chief Executive and both Directors be absent or unable to act, the power may be exercised by a Head of Service.

(a) Where, in his/her opinion, by reason of limitation of time or urgency, a decision is required on any matter, after such consultation as he/she considers necessary (or as is required by the Council's Budget and Policy Framework Procedure Rules in Part 4 of this Constitution), he/she shall have power to make a decision provided that any such decision shall be reported to the next meeting of the Cabinet, appropriate Committee or Council unless there is a need for confidentiality, in which case the reporting of the decision may be deferred until the need for confidentiality expires.

(b) To issue and renew authorisations for Officers and appoint Inspectors to enter premises for the purpose of their official duties in pursuance of statutory provisions in that behalf. (c) After consultation with the Head of Human Resources, Legal and Democratic Services and the Monitoring Officer to make revisions and amendments to the list of Politically Restricted Posts maintained under Section 2 of the Local Government and Housing Act, 1989 and to give Certificates of Opinion in connection with applications for exemption.

(d) To act as Returning Officer, and any variation thereof as appropriate to different elections, and to appoint from time to time such Deputy Returning Officers as appear necessary for the proper conduct of elections; and to act as the Electoral Registration Officer. In the event that the Joint Chief Executive is absent or incapacitated, the proper officer for the purposes of exercising the functions of the Electoral Registration Officer shall be the Service Manager (Democratic Services and Elections).

(e) Within approved budgets, to determine all fees for functions carried out in respect of electoral registration and elections.

(f) Update the Strategic Plans at any time with new performance and demographic information, or to reflect formal changes to the Council's policy framework, budgets or other documents in the strategic planning framework.

(g) To review and update the operational elements of the Equality Framework contained within Sections 2 to 7 as necessary, in consultation with the Portfolio Holder for Performance and Resources (or equivalent).

(h) In consultation with the Leader and the Head of Human Resources, Legal and Democratic Services, to designate an officer of the Council as its Monitoring Officer.

(i) Update the Strategic Plans at any time with new performance and demographic information, or to reflect formal changes to the Council's policy framework, budgets or other documents in the strategic planning framework.

(j) Review and update the operational elements of the Quality Framework contained within Section 2 to 7 as necessary, in consultation with the Portfolio Holder for Performance and Resources (or equivalent).

D. All Chief Officers (including Joint Chief Executive)

For the purposes of this section, "Chief Officer" shall be taken to mean the following officers:-

Joint Chief Executive

Directors

Heads of Service

Monitoring Officer (as required)

1. Where the Council, Cabinet or a Committee has settled the policy and/or budget for a matter or class of matters, each Head of Service shall be empowered to deal with such matters within the limits of such policy or budget, including the supervision of contracts and works and responding on behalf of the authority to consultation exercises.

2. All Chief Officers also have specific authority:-

(a) Provided that it does not constitute a Key Decision (as defined in Article 12 of the Constitution), to undertake virements of up to £50,000 on behalf of the Cabinet in any one case between the budgets under their control, subject to consultation with the relevant Portfolio Holder(s) and the Leader and the Chief Finance Officer; such virements should be non-recurring and must not include asset rental or fixed percentage maintenance budgets, interest income or recharges which have implications elsewhere in the budget, and must be confirmed in writing to the Chief Finance Officer in a format approved by him/her and reported to Performance and Audit Scrutiny Committee via budget monitoring reports.

(b) To invite tenders and quotations; and to make exemptions to the Contracts Procedure Rules (in accordance with the requirements of those Rules in respect of exemptions) for the purchase or sale of goods and services relating to matters within their purview.

(c) In accordance with approved policies and procedures, within approved budgets and in consultation with the Head of Human Resources, Legal and Democratic Services:-

(i) to make appointments and terminations within their respective establishments, subject to compliance with the appropriate National or Local Scheme of Conditions of Service;

(ii) to re-designate posts, as necessary, to meet corporate and service objectives;

(iii) to establish externally funded posts or those fully reimbursed through income generation for the duration of the funding;

(d) To take such action as they consider necessary, in respect of grievance and disciplinary procedures, but, in the case of dismissal only, subject to the agreement of the Head of Human Resources, Legal and Democratic Services.

(e) To attend and to authorise the attendance of staff at meetings, conferences and seminars; and, within the approved departmental estimates and after consultation with the Learning and Development Advisor (HR) to approve training/study courses and day release for study purposes delivered through the Corporate Training Plan.

(f) Where they are responsible for the provision of an in-house service, to be responsible for deciding whether work related to that service should be contracted out.

(g) To appoint consultants within budgetary limits and constitutional and contract procedure rules in consultation with the Head of Human Resources, Legal and Democratic Services. Subject to the West Suffolk contract procedure rules as applicable.

(h) Following such consultation as they consider appropriate, to vary the hours or days during which buildings or services are to be available to the public.

(i) Within existing budget allocations and policies, to determine any applications for grants, contributions and subscriptions to voluntary and other organisations not already covered by specific delegations in this scheme, up to a maximum of £10,000 in any one case and subject to consultation with the relevant Portfolio Holder(s).

(j) To approve supplementary estimates by drawing on any working balances allocated to their control up to a limit of £5,000 in each case, following consultation with the Chief Finance Officer and the relevant Portfolio Holder(s) (or Committee Chairman in the case of any budget allocated to the control of a Committee). Any notifications to or consultations with the Chief Finance Officer and Portfolio Holders are to be made or confirmed in writing.

3. The Chief Officer, or his nominated representative(s), shall have the power to negotiate sponsorship initiatives in accordance with the Sponsorship Policy. Upon successful completion of negotiations there shall be a written contract entered into after consultation with the Service Manager (Legal).

4. Chief Officers of support services are authorised to utilise credit balances on support service accounts as follows:-

(a) to correct or adjust charges made to in-house client departments; and

(b) to acquire occasional goods and services to facilitate provision of the support service without making a charge to in-house client departments, subject to all such transactions being confirmed in writing to the Chief Finance Officer, following initial consultation; and the Chief Finance Officer having delegated authority to make and amend a scheme governing such transactions should s/he consider it necessary.

5. Chief Officers, in consultation with the Chief Finance Officer, are authorised to utilise credit balances on the reserve accounts within their area of responsibility to finance expenditure relating to the purpose of the reserve.

6. Chief Officers are authorised to produce short annual Business Plans in consultation with the relevant Portfolio Holders using the approved format and to publish them on the Council's website/intranet.

7. To receive expressions of interest under the provisions in Chapter 2, Part 5 of the Localism Act 2011 and described in the Community Right to Challenge (Fire and Rescue Authorities and Rejection of Expressions of Interest) (England) Regulations 2012 and the Community Right to Challenge (Expressions of Interest and Excluded Services) (England) Regulations 2012.

8. Following consultation with the relevant Portfolio Holder(s), to make any minor typographical, grammatical, factual or contextual changes to any policies or strategies approved through Cabinet or full Council, provided they do not materially affect the meaning of the document.

9. Notwithstanding the previous paragraphs Directors and the Joint Chief Executive shall have the power to stand in for Heads of Service in relation to other issues not specified including:

- SIRO
- Emergency Planning
- Health & Safety
- Sports Centres
- Arts

Scheme of Delegation to Officers

Head of Families and Communities

(a) Counter Terrorism and Security Act 2015 - Prevent duty

In accordance with Section 26 of the Act and the duty on Local Authorities in the exercise of their functions to have regard to the need to prevent people from being drawn into terrorism.

Enforcement of the duty will be inspected by the Home Office who will:

- Oversee compliance – there is an expectation that local authorities will maintain appropriate records to show compliance with their responsibilities and provide reports when requested.
- Scrutinise action plans and project impact
- Identify any gaps and request that remedial work is undertaken with Local authority peers to provide targeted assistance and help authorities develop good practice
- Gather data from specified authorities
- Issue direct guidance if there is non-compliance with the duty.

1. To prepare and maintain the Action plan on behalf of both Councils to ensure they include the following:
 - Partnership working
 - Risk assessment
 - Staff training
 - Collaboration in two tier local authorities
2. To ensure that there is compliance on the part of both Council's duties to prevent a serious case review and direct interventions from the Home Office.

(b) Localism Act

1. To discharge the relevant duties under the Localism Act 2011 relating to the Assets of Community Value (England) Regulations 2012 and other updated legislation in that regard.

(c) The Anti-Social Behaviour, Crime and Policing Act 2014

1. To ensure the councils implement the requirement to hold ASB case reviews, known as 'community trigger'. The trigger introduces a right for victims or victims' representatives to ask local agencies to review how they have responded to previous ASB complains and consider what further action might be taken where behaviour persists.
2. To use discretion to deal with the preparation of 'Closure orders' which could be used to close a premises temporarily, for up to six months.

3. To use discretion to deal with 'Public spaces protection orders': to deal with anti-social behaviour in a public place to apply restrictions to how that public space can be used.
4. To use discretion to deal with 'Crime Prevention Injunction Order' in consultation with the Monitoring Officer where the circumstances demand. (Injunctions of this type would also have prohibitions and support attached, and a range of civil sanctions for breach.)
5. To use discretion to deal with 'Community Protection Notices' to deal with particular problems which negatively affect the community's quality of life, including directing the person responsible to stop causing the nuisance and/or require them to 'make good'.

(d) Other issues

1. To administer the Rural Initiatives Fund in accordance with the agreed procedure.
2. To be responsible for administration of the Transparency rules and regulations.
3. To have responsibility for the preparation and maintenance of both Council's Publicity protocol.

Scheme of Delegation to Officers

Head of Housing

(a) Housing

The Head of Housing is authorised to:

1. Determine applications for homeless persons under the Housing Act 1996 as amended by the Homelessness Act 2002 and procure and/or manage temporary accommodation in support of the homeless function.
2. Administer the Housing Register and nominate applicants to properties owned by Registered Providers (RPs) in line with the approved Allocation Scheme.
3. Determine levels of housing need, advise RPs and developers accordingly and pay capital grants to RPs to support development schemes within the Council's approved capital programme.
4. Manage in accordance with approved budgets and policies the maintenance, improvement and repair of the Council's housing properties.
5. Investigate cases of harassment or unlawful eviction of any occupier of private residential accommodation under the Protection from Eviction Act 1977.
- 6 Determine and approve mandatory Disabled Facilities Grants (DFG) and discretionary DFG in line with Council Policy. Approve professional and technical support to assist residents make their applications.
7. Approve discretionary home assistance grants in line with Council Policy.
8. Where appropriate, write off rent and rent deposit arrears up to a maximum sum specified by the Head of Resources and Performance.

(b) Public Health and Housing

1. To issue licences, registrations, exemptions, grant authorisations, permits and consents and provisional licences and statements and where appropriate, attach conditions, and vary, alter, amend, renew and authorise the transfer (as appropriate) of such licences, registrations, exemptions and approve Notices and consents pursuant to the following statutes:-

- Public Health Act 1936;
- Caravan Sites and Control of Development Act 1960;
- Dangerous Wild Animals Act 1976;
- Local Government (Miscellaneous Provisions) Act 1982;
- Environmental Protection Act 1990;
- Noise and Statutory Nuisance Act 1993;
- Housing Grants, Construction and Regeneration Act 1996;
- Housing Act 1996;
- Housing Act 2004;

All reference to any statute, enactment, order, regulation or other similar instrument shall be construed as a reference to them as amended (or re-enacted) by any subsequent enactment, modification, order, regulation or instrument.

2. To authorise all suitably qualified staff to act on behalf of the Council and take appropriate action in respect of the following statutes and regulations made under those statutes, including inspection of premises, serving of Notices, Counter Notices and Orders:-

- Public Health Act 1936;
- National Assistance Act 1948;
- National Assistance (Amendment) Act 1951;
- Caravan Sites and Control of Development Act 1960;
- Public Health Act 1961;
- Control of Pollution Act 1974;
- Dangerous Wild Animals Act 1976;
- Local Government (Miscellaneous Provisions) Act 1976;
- Local Government (Miscellaneous Provisions) Act 1982;
- Building Act 1984;
- Public Health (Control of Disease) Act 1984;
- Housing Act 1985;
- Housing Grants, Development and Regeneration Act 1989;
- Local Government and Housing Act 1989;
- Environmental Protection Act 1990;
- Dangerous Dogs Act 1991
- Water Industry Act 1991;
- Clean Air Act 1993;
- Noise and Statutory Nuisance Act 1993;
- Dogs (Fouling of Land) Act 1996;
- Housing Act 1996;
- Noise Act 1996;
- Pollution Prevention and Control Act 1999;
- Homelessness Act 2002;
- Regulatory Reform (Housing Assistance) (England and Wales) Order 2002;
- Anti-social Behaviour Act 2003;
- Housing Act 2004;
- Clean Neighbourhoods and Environmental Act 2005;
- Animal Welfare Act 2006;
- Anti-social Behaviour, Crime and Policing Act 2014

All reference to any statute, enactment, order, regulation or other similar instrument shall be construed as a reference to them as amended (or re-enacted) by any subsequent enactment, modification, order, regulation or instrument.

3. To accept tenders and quotations and to authorise works, initiate action or to act pursuant to the functions of the Council pursuant to the following statutes:-

- Public Health Act 1936;
- Prevention of Damage by Pests Act 1949;
- Public Health Act 1961;
- Dangerous Wild Animals Act 1976;
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982;
- Building Act 1984;
- Housing Grants, Construction and Regeneration Act 1996;
- Housing Act 1996;
- Protection from Eviction Act 1977;
- Dangerous Dogs Act 1991;
- Homelessness Act 2002;
- Housing Act 2004;
- Clean Neighbourhoods and Environmental Act 2005;
- Anti-social Behaviour, Crime & Policing Act 2014

4. To authorise the burial or cremation of bodies, to publish information and in conjunction with the Head of Resources and Performance to authorise compensation payments under the provisions of the Public Health (Control of Disease) Act 1984.

5. To serve notice in respect of private drinking water supplies and to make arrangement for work in default to be carried out in accordance with the Water Act 1989 and its subordinate legislation where informal approaches have failed to secure the necessary improvements.

6. To recover grants in the event of breach of condition and reduction in liabilities for repayment of grants in cases of financial hardship after consultation with the Head of Resources and Performance.

7. To make variations to the adopted amenity standards for houses in multiple occupation.

8. To accept quotations and authorise the execution of works in cases of work in default (WID) where there has been non-compliance with a statutory notice and approve and serve notices to recover reasonable costs for WID.

9. To maintain the Public Register of Houses in Multiple Occupation.

10. To carry out the Council's functions and duties with respect to overcrowding.

11. To approve statutory compensation to owners and occupiers of premises affected by unfit dwellings proposals and to authorise ex-gratia payments towards proved reasonable removal expenses not exceeding £750 per household.

12. To approve the making of Closing and Demolition Orders.

13. To determine Closing Orders or revoke Demolition Orders upon being satisfied that the works necessary have been carried out.

14. In relation to dwellings that are unfit and in need of repair to accept quotations and authorise the execution of works in cases of default.
15. To determine applications to use dwellings which are the subject of Closing Orders for uses other than human habitation.
16. To discharge the functions of the local authority under the Environmental Protection Act 1990 in relation to the control of dogs.
17. To issue cautions in appropriate circumstances after consultation with the Service Manager (Legal).
18. To lead and co-ordinate in respect of all issues connected with unauthorised Gypsy and Traveller encampments in accordance with the Suffolk Protocol for Unauthorised Encampments, in consultation with the Service Manager (Legal), and other Heads of Service as appropriate.
19. To exercise the Council's powers under Sections 77 and 78 of the Criminal Justice and Public Order Act 1994 as to the issue and the serving of a Notice of a Direction under Section 77 of that Act.
20. To appoint the Proper Officer for the purposes of Section 47 of the National Assistance Act 1948.
21. To exercise all powers and commence action in relation to Anti Social behaviour.

Housing Health and Safety Rating System: Enforcement Policy

1. In consultation with the Head of Resources and Performance, to set the charges for the enforcement actions detailed below, except in the case of owner-occupiers in receipt of means tested benefits, based on the hourly rates for the work involved.
2. Reasonable charges for the cost of enforcement will be made in accordance with Section 49 of the Housing Act 2004 in respect of the following actions:-
 - (i) serving an improvement notice under section 11 or 12 of the Act – (determining whether to serve the notice, identifying any action to be specified in the notice, and serving the notice);
 - (ii) making a prohibition order under section 20 or 21 of the Act – (determining whether to make the order, and serving copies of the order on persons as owners of premises);
 - (iii) serving a hazard awareness notice under section 28 or 29 – (determining whether to serve to notice, identifying any action to be specified in the notice, and serving the notice);

- (iv) taking emergency remedial action under section 40 – (determining whether to take such action, and serving the notice required by section (7) of that section);
- (v) making an emergency prohibition order under section 43 – (determining whether to make the order, and serving copies of the order on persons as owners of premises); and
- (vi) Making a demolition order under section 265 of the Housing Act 1985 – (determining whether to make the order, and serving copies of the order on persons as owners of premises).

The Head of Housing makes the following sub-delegations to Officers:

(I) Sub-delegations to be exercised by officers *in addition to* the Head of Housing:

1. Service Manager Housing Options

- a. Determine applications for homeless persons under the Housing Act 1996 as amended by the Homelessness Act 2002 and procure and/or manage temporary accommodation in support of the homeless function.
- b. Administer the Housing Register and nominate applicants to properties owned by Registered Providers (RPs) in line with the approved Allocation Scheme.
- c. Manage in accordance with approved budgets and policies the maintenance, improvement and repair of the Council's housing properties.
- d. Where appropriate, write off rent and rent deposit arrears up to a maximum sum specified by the Head of Resources and Performance.

2. Service Manager Housing Standards

- a. Investigate cases of harassment or unlawful eviction of any occupier of private residential accommodation under the Protection from Eviction Act 1977.
- b. Determine and approve mandatory Disabled Facilities Grants (DFG) and discretionary DFG in line with Council Policy. Approve professional and technical support to assist residents make their applications.
- c. Approve discretionary home assistance grants in line with Council Policy.
- d. All delegations under Public Health and Housing

3. Service Manager Housing Strategy and Partnership

- a. Determine levels of housing need, advise RPs and developers accordingly and pay capital grants to RPs to support development schemes within the Council's approved capital programme.

Scheme of Delegation to Officers

Head of Human Resources, Legal and Democratic Services

(a) Head of Human Resources, Legal and Democratic Services

1. To act generally on all human resources issues, including representing the Council before external bodies.
2. In consultation with the relevant Head of Service, to approve the grading of all posts and changes to the staffing establishment within agreed budgets or when the additional expenditure is funded from specific grants or other earmarked external sources of funding so that there will be no additional costs borne by the Council.
3. Within existing budgets, policies and agreements, and in consultation with the relevant Head of Service to determine or approve matters relating to the terms, conditions or benefits of individual members of staff, including car allowances and minor changes to the scheme of relocation grants to secure the recruitment of key workers.
4. In accordance with approved policies and procedures, within approved budgets and in consultation with the relevant Head of Service, to establish temporary posts to respond to peaks in workloads, cover for long-term sickness and maternity leave for periods of up to two years.
5. To delete posts on grounds of compulsory redundancy, when it is in the financial interests of the Council and/or where a post is redundant as defined in the Employment Rights Act 1996, subject to consultation with appropriate unions.
6. Within the terms of "Voluntary Early Retirement – General Scheme" to approve applications for early retirement, with the agreement of the relevant Head of Service and Chief Finance Officer, subject to such applications being in the financial interest of the Council.
7. To amend Human Resources Policies to incorporate statutory requirements and as recommended in ACAS Codes of Practice in consultation with the Portfolio Holder and Trade Unions subject to being within agreed budget.
8. To implement alterations to conditions of service except where the terms thereof involve the exercise of a discretion by the Council.
9. To undertake consultations, negotiations and discussions with Trade Unions and where applicable Joint Staff Consultative panel on strategic and policy matters.
10. To manage and operate the Job Evaluation Scheme, including appeals.

11. To approve, and renew, short term honorarium payments within existing budgets, following consultation with the relevant Head of Service.

12. To approve incremental advancement in accordance with the Councils PDR scheme or on the basis of sound conclusion that an incremental award is appropriate within existing policies and with consultation with the Head of Service.

13. In respect of employees of the Authority, to act as the Council's Proper Officer in relation to the statutory provisions for criminal records and asylum and immigration.

14. To pay salary awards except where the terms thereof involve the exercise of a discretion by the Council.

(b) Specified Officers

1. Health and Safety Manager

1. To implement any recommendations of the West Suffolk Joint Health and Safety Panel in respect of amendments and additions to Part 5 (Arrangements) of the Joint Health and Safety Policy.

2. Service Manager (Legal)

1. To act generally as the senior Lawyer to the Council and as the Monitoring Officer of the Council (under the terms of the Local Government and Housing Act 1989, Local Government Act 2000, Part 10 of the Local Government and Public Involvement in Health Act 2007 and Localism Act 2011 and as defined in the Articles and Rules of Procedure of this Constitution) and to be responsible for legal advice provided to the Council.

2. To institute, prosecute, defend arrange for representation and appear in all actions, cases, matters and proceedings of whatsoever nature in any Court of Law and to act, as such, in all proceedings, in the Lands and other Tribunals, all manner of arbitrations and Ministerial Inquiries and to compromise any legal proceedings which have started.

3. To seek injunctive relief with respect to Pay Parties and to sub-delegate this power to qualified lawyers in Legal Services in cases of urgency.

4. Authority to make, execute or attest all documents, deeds, contracts, instruments and notices for or on behalf of the Council in the absence of delegation to the contrary or in circumstances where the Officer to whom specific delegation has been given is absent or otherwise unavailable or unable to act.

5. Notwithstanding any other delegated authorities to specified officers elsewhere in this scheme, to authorise prosecutions and institute proceedings including the issue of a formal caution under any applicable statute, after consultation with the relevant Head of Service.

6. To open tenders and quotations and, provided the total cost is within the approved estimate and any cost guideline, accept, after such consultation as is considered necessary:-

- (a) the lowest with respect to the purchase of goods and services;
- (b) the highest with respect to the sale of interests in land.

7. To accept, after such consultation as is considered necessary, tenders and quotations for contracts which, following negotiation, have been revised so that the total cost of the contract is within the approved estimate for the purchase of the goods and/or services in question, provided that the tender or quotation would otherwise have met the requirements of the Council's Contract Procedure Rules.

8. To deal with requests for assistance towards litigation costs from other Councils and those made by this Council after consultation with the Chief Finance Officer and the relevant Head of Service.

9. To institute legal proceedings and take any other action necessary, under the Crime and Disorder Act, 1998.

10. To serve notices on business tenants and take any necessary action pursuant to the Landlord and Tenant Act 1954 to preserve the Council's position.

11. To institute proceedings for possession of land or property.

12. To institute proceedings for repossession of property in mortgage to the Council including the recovery of outstanding arrears.

13. To determine, in accordance with National Guidelines and the Rehabilitation of Offenders Act 1974, which convictions (if any) of an applicant for:-

- (a) a Hackney Carriage or Private Hire Driver's Licence;
- (b) a Motor Salvage Operator's Registration; and
- (c) licences issued under the Licensing Act 2003

should be disregarded when determining such applications and which convictions (if any) should be removed from the record to be put before the relevant decision-making body.

14. To make a complaint to Magistrates for a Removal Order under Section 78 of the Criminal Justice and Public Order Act 1994.

15. To negotiate and settle miscellaneous disputes not covered by any statutory or contractual procedure and where no insurance implication exists up to a limit of £500 after consultation with the Chief Finance Officer and the relevant Head of Service.

16. To act for the protection of village greens and commons including the authorisation and institution of proceedings to protect village greens and commons.

17. To make all Public Path Orders where, following the usual informal consultation, there are no unresolved objections. In the event of there being objections which cannot be resolved, applications for Public Path Orders are to be referred to the Licensing and Regulatory Committee for decision.

18. To act generally as the Proper Officer of the Council, particularly in relation to the Council's decision-making processes and this Constitution, unless, in the case of the latter role, the Council has provided otherwise in specific cases, and to be responsible for advising the Council on its procedural and administrative affairs.

19. To confirm as unopposed all Public Path Orders subject to there being no unresolved objections following formal consultation and advertisement. In the event of there being objections which remain unresolved, the orders shall be submitted to the Secretary of State for confirmation.

20. To make all Traffic Regulation Orders under the Traffic Regulation Acts and any other applicable legislation where, following appropriate consultations, there are no unresolved objections. In the event of there being objections which cannot be resolved, the proposal for the Traffic Regulation Orders shall be referred to the Licensing and Regulatory Committee for decision.

21. To make observations on and objections to applications to the Traffic Commissioner in relation to Goods Vehicle Licensing.

22. To institute proceedings for the recovery of debts

23. To approve terms and conditions of agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 regulating the development or use of land, in consultation with the Head of Planning and Growth.

24. To prepare and issue reports under Step 2 of the Council's complaints procedure and to reply to complaints referred to the Council by the Local Government Ombudsman.

25. To assume responsibility for general oversight of covert surveillance operations and be pro-active to ensure that reviews and cancellations are dealt with promptly.

26. To administer the procedures and exercise the Council's powers and responsibilities under the Data Protection Act 1998, Freedom of Information Act 2000 and Environmental Information Regulations 2004.

27. To fix the level of fees chargeable under the provisions of the Local Government (Access to Information) Act 1985 (after consultation with the Chief Finance Officer).

28. To discharge the relevant duties under the Localism Act 2011 relating to the Assets of Community Value (England) Regulations 2012.

29. To negotiate and settle miscellaneous disputes not covered by any statutory or contractual procedure and where no insurance implication exists up to a limit of £500 after consultation with the Chief Finance Officer and the relevant Head of Service.

30. To determine applications for the making of Traffic Orders under Section 21 of the Town Police Clauses Act, 1847 relating to the temporary closure of roads after such consultations as considered necessary with the Head Operations.

31. The functions of determining applications for certificates of lawful existing and proposed uses or development, in accordance with the provisions of Sections 191 and 192 of the Town and Country Planning Act 1990 (as amended).

32. To serve Listed Building Enforcement Notices, Urgent Repair Notices and Urgent Works Notices in respect of Listed Buildings, and Building Preservation Notices for unlisted buildings pursuant to the Planning (Listed Buildings and Conservation Areas) Act 1990 after consultation with the Head of Planning and Regulatory Services.

33. To serve Enforcement Notices and, if the Head of Planning and Growth is satisfied that the Notice has been complied with, to withdraw such Notices.

34. To serve Discontinuance Notices relating to advertisements.

35. To make the following Orders after consultation with the Head of Planning and Growth where they are unopposed and compensation is not payable:-

- (a) for the revocation or modification of Planning Permission;
- (b) requiring the discontinuance of use or alterations or removal of buildings or works.

36. To authorise the issue of and to serve Stop Notices after such consultation as is considered necessary.

37. To issue and serve notices in respect of land the condition of which adversely affects the amenity of an area in accordance with the provisions of Section 215 of the Town and Country Planning Act 1990 (as amended).

38. To issue and serve completion notices in accordance with the provisions of Section 94 of the Town and Country Planning Act 1990 (as amended).

39. After consultation with the Head of Planning and Growth to make, vary, allow to lapse and/or revoke Tree Preservation Orders (including the making provisional orders under Section 201 of the Town and Country Planning Act 1990) and to confirm (with or without modification) unopposed Tree Preservation Orders (including, in each instance, the service of the necessary Notices).

40. To make and serve Notices that buildings have been added to, or deleted from, the List of Buildings of Special Architectural or Historical Interest by the Secretary of State, or that the Secretary of State has amended such listings.

41. To serve requisitions for information as to interests in land under Section 330 of the Town and Country Planning Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

42. Be authorised to, where appropriate, revoke or refuse to renew a Hackney Carriage or Private Hire Vehicle Licence following an unit vehicle notice in accordance with s.68 and s.60(1)(a) of the Local Government (Miscellaneous Provisions Act 1976.

3. Service Manager (Democratic Services and Elections)

1. To approve attendance of Members serving on outside bodies as an approved duty where appropriate.

2. To approve, as an approved duty, after such consultation as considered necessary, attendance by Members at a meeting, provided that the meeting complies with The Local Government (Committees and Political Groups) Regulations 1990.

3. To record the Members appointed to Committees in accordance with the political group representation on the Council as required by the Local Government (Committees and Political Groups) Regulations 1990.

4. When necessary, to appoint and re-appoint Members to serve on Committees, Sub-Committees, Working Parties, Panels and Review Groups (in accordance with the Political Balance Regulations and on the basis of the appropriate nominations of the political groups on the Council) and to convene meetings thereof.

5. On behalf of the Chief Executive (or any other person appointed as Returning Officer or Acting Returning Officer), to deal with all matters concerning elections and electoral registration, (except the determination of electoral registration and election fees) and, prior to the adoption by the Council of draft or final recommendations/proposals, to deal with all matters concerning electoral, boundary and parish reviews.

6. To make Removal of Difficulty Orders pursuant to the Representation of the People Act, 1983 following consultation with the Borough Councillor(s) for that Ward.

7. To appoint and re-appoint Members to serve on the Mayoral Advisory Committee (in accordance with the Political Balance Regulations and on the basis of the appropriate nominations of the political groups on the Council) and to convene meetings thereof.
8. To appoint a Joint Panel of 4 Councillors to advise on the appointment, and terms and conditions, of members of the Independent Remuneration Panel in accordance with the nominations of the leaders of political groups on the Council.
9. To seek candidates for the Independent Remuneration Panel and, in consultation with the Councillor Panel, to determine its terms and conditions and to make appointments thereto.
10. To refuse requests for parking permits in respect of the Great Churchyard, Bury St Edmunds.
11. In consultation with the Chairman of the Democratic Renewal Working Party, to make minor amendments and additions to the Mayoralty Protocol as necessary from time to time.

Scheme of Delegation to Officers

Head of Operations

All of the following powers and duties are delegated to the Head of Operations, as well as to the specified Officers

(a) All Operations Service Managers (Business, Waste and Street Scene, Property, Leisure and Culture)

1. To sign contracts pursuant to the Local Authorities (Goods and Services) Act 1970 or any other related or amending legislation.

(b) Service Manager (Business)

2. To determine, as part of budget consultation with the Chief Finance Officer, an appropriate scale of charges for trade refuse to reflect the actual average costs of collection, disposal, administration and the prices charged by local companies with which we are in competition.
3. To serve Litter Abatement Notices and Street Litter Control Notices, in appropriate cases, under Section 92 of the Environmental Protection Act 1990.
4. To negotiate and agree an appropriate level of recycling credit to reflect the actual saving on waste collection and waste disposal and average costs of administration.
5. To serve fixed penalty notices under Section 88 of the Environmental Protection Act 1990.
6. To negotiate and determine charges for materials collected at the recycling centres.
7. To set the charges for replacement wheeled bins.
8. To exercise the Council's functions and duties pursuant to the Refuse Disposal (Amenity) Act 1978; including the service of Notices relating to the removal of abandoned vehicles.
9. To serve a graffiti removal notice upon any person responsible for a defaced surface requiring the defacement to be removed, under Section 49 of the Anti-Social Behaviour Crime and Policing Act 2014.
10. To seek to recover from the person on whom a graffiti removal notice was served expenditure reasonably incurred in exercising the remedying of the defacement.

11. Where appropriate, to impose fixed penalties on those responsible for a relevant offence falling under Section 132 of the Highways Act 1980 or Section 224(3) of the Town and Country Planning Act 1990.
12. To set and review the fee to be paid to a private contractor for the collection of abandoned vehicles in accordance with the budget.
13. To charge the sum for the removal, storage and disposal of abandoned vehicles, as prescribed by the appropriate Regulations where the owner of a vehicle is known.
14. To review on an annual basis the costs of supplying sacks and the charge for emptying a bin in accordance with the budget.
15. To take enforcement action under Section 46 of the Environmental Protection Act 1990, against householders who repeatedly contaminate their blue bin.

(c) Service Manager (Business) and the Fleet and Technical Manager

16. To give advice to client departments on the purchase of vehicles and plant.
17. To purchase vehicles and plant from the Vehicles and Plant Renewals Provision up to a maximum of £150,000 per item.

(d) Service Manager (Operations - Waste and Street Scene)

18. To manage the Council's refuse and litter and public cleansing service.
19. To manage the day to day management of the Council's Markets, within the Council's market regulations, byelaws and business plans, including the grant of licences and permissions to trade and, after consultation with the Portfolio Holder and Chief Finance Officer, to determine the charges to be levied.

(e) Service Manager (Property)

20. To approve expenditure from a building repairs reserve working balance (if any) for urgent repair work after consultation with the Chief Finance Officer.
21. To submit applications for planning permission.
22. To carry out all consultations in relation to the naming and renaming of streets and public buildings in accordance with the West Suffolk Procedure.

<http://www.westsuffolk.gov.uk/planning/upload/Street-Naming-and-Numbering-Procedures.pdf>

23. To review in accordance with the budget, the service charge relating to the CCTV system, on an annual basis, to reflect the actual cost of providing the control room service and the prices charged by other organisations that are in competition.
24. To approve the temporary restrictions of traffic or closure of highways and the making of the necessary orders and to sign notices required to implement such restrictions as a matter of urgency.
25. To authorise entry on land for works pursuant to the Land Drainage Act 1976.
26. To carry out all consultations in relation to Traffic Regulation Orders and speed limit orders.
27. To make submissions to the relevant Government Department in connection with asset management planning.
28. To approve, after such consultation as considered necessary, the grant, renewal or variation of leases and grant of wayleaves and the terms and conditions of sales, purchases, leases and other transactions relating to the Council's landholdings.
29. To approve the grant, renewal or variation of leases and grant of wayleaves and the terms of other transactions relating to the Council's landholdings under £10,000.
30. To approve, after such consultation as considered necessary, the grant, renewal or variation of leases and grant of wayleaves and the terms and conditions of sales, purchases, leases and other transactions relating to the Council's landholdings.
31. To approve terms and conditions of miscellaneous agreements relating to the Council's landholdings, including the grant of Wayleaves or Easements to statutory undertakers, after consultation with the relevant Head of Service where appropriate.
32. To dispose of open space land in accordance with the Council's policy.
33. To submit applications for planning permission, as well as the Service Manager (Legal).
34. To approve as Estate Owner designs and site layouts of residential and industrial proposals on development land.

(f) Service Manager (Property) and the Car Park Services Manager

35. To deal with day to day management of the Council's Car Parks including enforcement of the traffic orders and, after consultation

with the Portfolio Holder and Chief Finance Officer, to determine all parking fees and excess charges to be levied.

36. To set the annual level of charge for residents' parking permits for those householders where a charge is levied, in consultation with Suffolk County Council Highways, the Chief Finance Officer and the Local Ward Member(s).
37. To issue permits in relation to Traffic Regulation Orders.

(g) Service Manager (Operations - Leisure and Culture)

38. In consultation with the relevant Portfolio Holder and the Chief Finance Officer, to review and amend the policy framework for the hiring of, and charging, catering and contracting at, the Council's public halls and ticket pricing for its arts programming (including the Bury St Edmunds Festival), within existing Financial and Contact Procedure Rules.
39. To use income from the Gershom Parkington Bequest for the acquisition of appropriate additions to, and the maintenance of, the museum collection after such consultation as he considers necessary.
40. To purchase exhibits in consultation with the Chief Finance Officer for the museums from provisions set up for the purpose.
41. To make arrangements for the provision of entertainments subject to any limitations imposed by the Cabinet and after consultation with relevant Heads of Service.
42. To dispose of items in accordance with Guideline 181 of the Museums and Galleries Registration Scheme for Museums in the United Kingdom.
43. To manage, maintain and control sports grounds, sports centres, parks, open spaces, cemeteries, disused churchyards and allotments.
44. To liaise with the Abbeycroft Leisure Trust, and in consultation with the Chief Finance Officer, in respect of the scale of charges for admission to the Leisure Centres and associated facilities necessary to achieve the Council's Corporate Leisure, Sport and Health Objectives.
45. To set and adjust, after consultation with the Chief Finance Officer, the charges for use of sports pitches in line with market forces and within the approved annual guide to the level of income.
46. To set and adjust, after consultation with the Chief Finance Officer, the scale of cemetery charges.

47. To set and adjust, after consultation with the Chief Finance Officer, the charges for tours and payments to guides in respect of the Bury St. Edmunds "Blue Badge" Guide Scheme.
48. To adjust fees, charges and hours of opening of the Council's Museums and related facilities, in consultation with the Chief Finance Officer.
49. To approve terms and conditions of loans and gifts of works of art and museum exhibits.
50. To amend stockholding levels in consultation with the Chief Finance Officer.
51. With regard to Play Schemes, subject to a report being submitted to the subsequent meeting of the Cabinet,
 - (i) to accept, in appropriate circumstances, tenders other than the lowest; and
 - (ii) by negotiation, to omit from a successful tender scheme discretionary items above the minimum specified and substitute other equipment, provided the submitted tender price is not exceeded.
52. To deal with day to day management of Shopmobility.
53. To discharge the relevant duties under the Localism Act 2011 relating to the Assets of Community Value (England) Regulations 2012.

(h) Service Manager (Operations - Leisure and Culture) and the Entertainment and Events Manager

54. In accordance with the Council's Financial and Contract Procedure Rules, to interpret and implement the Council's agreed policy framework (and to review, amend and implement operational policies and procedures) for:
 - (a) catering; and
 - (b) charging, hiring, contracting and ticketing.at each of its public halls, and for its arts programming generally, in order to:
 - (i) deliver the agreed objectives and financial targets of the public halls;
 - (ii) achieve best value for local taxpayers and maintain the competitiveness of the public halls and the Council's arts programming;
 - (iii) maintain the good reputation of the Council and help deliver its policy objectives;

- (iv) maximise the standards and consistency of service received by users of the public halls; and
- (v) reflect current and emerging practice in the public halls and arts markets.

- 55.To sign artists' agreements for all of the Council's arts programming (including festivals), subject to consultation with the Service Manager (Legal) in respect of any agreement which is created by the artist or the artist's agents.
- 56.To interpret and implement the Council's agreed policies for charging, contracting and ticketing in relation to the Bury St Edmunds Festival and for any other arts programming arranged by the Council.
- 57.To sign artists' agreements for all of the Council's arts programming (including festivals), subject to consultation with the Head of Legal and Democratic Services in respect of any agreement which is created by the artist or the artist's agents.

Enforcement

- 58.In accordance with the following Acts, as amended by the Clean Neighbourhoods and Environment Act 2005:

- (a) Environmental Protection Act 1990 [Section 88(1)]
- (b) Anti-Social Behaviour Act 2003 [Section 43]
- (c) Anti-Social Behaviour Act 2003 [Section 43]
- (d) Clean Neighbourhoods and Environment Act 2005 [Section 59]
- (e) Dogs (Fouling of Land) Act 1996

The following suitably trained officers are authorised to issue fixed penalty notices:-

Car Parks Manager
Assistant Parking Services Manager
Car Park Attendants
Markets Supervisor
Markets Officers
Parks Manager
Parks Development Manager
Parks Development Officer
Park Keepers
Rangers
Heritage Manager
Heritage Officers
Assistant Operations Managers
Waste and Street Scene Enforcement Officers
Waste and Street Scene Advisors
Waste Development Officers
Waste Strategy Officers

59. The following posts be authorised to inspect, test and where appropriate issue unfit vehicle notices, which may include a suspension of the vehicle under s.68 of the Local Government (Miscellaneous Provisions) Act 1976:-

Fleet and Technical Manager

Assistant Fleet Manager

Fleet Workshop Manager

HGV Vehicle Fitters

Scheme of Delegation to Officers

Head of Planning and Growth

(1) Planning and Development Matters

Determination of Applications

1. Subject to the Delegation Panel Scheme, to determine planning applications and allied matters under the Town and Country Planning Act 1990 relating to the proper planning of the District in accordance with the written and approved policies of the Council as Local Planning Authority.

For the purpose of 1 above, 'planning and allied matters' relate to:

- All outline and full applications
- Submission of details
- Conversions and change of use
- Non material amendment and variations to permission and consents previously granted
- Installation of underground petroleum storage tanks, overhead electricity lines, equipment structures required by statutory undertakers and telecommunications,
- Display of advertisement under the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended)
- Applications for the renewal of permission and consents
- Listed Building Consent applications , including referral to the Secretary of State of applications submitted by the Council
- Development under Regulation 3 or 4 of the Town & Country General Regulations 1992 (including applications made by the County Council).
- Validate and determine applications for Planning (Hazardous Substances) Regulations 1992, as amended by the Planning (Control of Major Accident Hazards) Regulations 1999, or any subsequent Regulations made under the Planning (Hazardous Substances) Act 1990.
- Certificates of Lawfulness for general works and to Listed Buildings Conservation of Habitats and Species Regulations (2010) in relation to Habitat Regulations Assessments.

Prior Approval Process

2. To give notice in respect of all prior approval processes under the Town and Country Planning (General Permitted Development) (England) Order 2015 and any subsequent amendments or re-enactments thereof and to grant or refuse prior approval on behalf of the Local Planning Authority in respect of any prior approval process in cases where the developer has been given notice that such prior approval is required.

3. To issue certificates under Section 191 or 192 of the Town and Country Planning Act 1990 (as amended), after consultation with the Service Manager (Legal).

4. To issue all notices including reasons for refusal and imposition of conditions in respect of planning, listed building, tree preservation orders, advertisement applications and trees in conservation area notifications, hedgerow notifications and applications for prior approval under the provisions of the Town and Country Planning (General Permitted Development) Orders.

5. To determine:

(a) the conditions to be imposed on any grant of planning permission or similar consent; and

(b) whether a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 and the Community Infrastructure Levy Regulations 2010 and subsequent amendment is required in respect of any planning application and to authorise the Service Manager (Legal) to secure such Obligation.

6. To formulate conditions and reasons for refusal, the substance of which has been determined by the Development Control Committee.

7. To make representations to another Authority concerning planning applications within that Authority's area.

County Matters

8. To comment upon development proposals of the Suffolk County Council and other public bodies unless such an application is a proposal judged by the Head of Planning & Growth (after consultation with the Chairman and/or Vice Chairman of the Development Control Committee) to be of such district-wide significance or to be so contentious that it should in the public interest be referred to the Development Control Committee for consideration and determination.

9. To declare any particular planning application to be a County matter.

Trees

10. To make Provisional Tree Preservation Orders, and confirm such orders in the event of no representation being received. Where representations are received, to refer the matter to the next available meeting of Committee for consideration.

11. To determine applications for works relating to trees which are in a Conservation Area or the subject of a Tree Preservation Order, including emergency works and proposals for the lopping, topping, felling or replacement of such trees (including authorising works to such trees on land in the Council's ownership).

12. To deal with applications for the felling of Trees in Conservation Areas under Section 211 of the Town and Country Planning Act 1990 where objections are received and the timetable for reporting the matter to the Development Control Committee prevent them being determined by the Committee within the statutory 6 week period.

13 To determine notices for the removal of hedgerows under the Hedgerows Regulations 1997.

14. In respect of Part 8 of the Anti-Social Behaviour Act 2003 with reference to High Hedges:-

- (i) to serve High Hedge enforcement notices where determinations have not been complied with;
- (ii) to enter land in the course of dealing with complaints, appeals and enforcement;
- (iii) to prepare and deliver the Council's case where an appeal against a determination has been lodged; and
- (iv) to determine a complaint and to issue a decision.

Appeals

15. To make representations including the submission of cost claims to the Secretary of State in respect of all planning and enforcement appeals conducted by exchange of written representations and by a hearing, including those under the provisions of the Town and Country Planning (Appeals) (Written Representation Procedure)(England) Rules 2000, the Town and Country Planning (Hearings Procedure) (England) Rules 2000 and other relevant legislation/regulations (for appeals against the refusal of permission or consent and against an enforcement notice).

16. To give evidence including the submission of cost claims at all planning and enforcement inquiries, including those conducted under the provisions of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 and the Town and Country Planning (Determination by Inspectors) (Inquiries Procedure)(England) Rules 2000 (appeals against the refusal of permission or consent or in respect of applications called in by the Secretary of State) and the Town and Country Planning(Enforcement) (Inquiries Procedure) Rules 1992 (appeals against enforcement notices).

17. To make representations and give evidence as required in relation to appeals for non determination.

Enforcement

18. To issue and serve Breach of Condition Notices under Section 187A of the Town and Country Planning Act 1990 (as amended).

19. To authorise entry to land in accordance with the provisions of Section 196A and Section 324 of the Town and Country Planning Act 1990 (as amended), and Section 36 of the Hazardous Substances Act 1990 (in

connection with the determination of any application and the service of notices).

20. To serve Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990 (as amended).

21. To serve requisition of Information Notices under Section 330, Town and Country Planning Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

22. To issue Enforcement Notices under Sections 172 and 215 (Untidy Gardens) and Stop Notices under section 183 of the Town and Country Planning Act 1990 (as amended) after consultation with the Service Manager (Legal).

23. To serve temporary stop notices under Sections 171E to 171H of the Town and Country Planning Act 1990 (as amended), and in consultation with the Service Manager (Legal).

24. To terminate investigative action in cases where it is appropriate not to pursue enforcement action.

25. To take all appropriate legal steps to secure compliance with extant Enforcement Notices and Stop Notices under section 215 including prosecution, in consultation with the Service Manager (Legal).

26. To take direct action or works in default as required in relation to section 178 (non compliance with an enforcement notice) and section 219 (non compliance with a section 215 notice).

26. To authorise enforcement action under Part 8, Section 74 of the Anti-social Behaviour Act 2003 (High Hedges) (following determination of complaints under the same powers), in consultation with the Service Manager (Legal).

27. To take prosecution action under Part II Sections 3 and 4 and of the Clean Neighbourhoods Act 2005 to pursue action against the exposure of vehicles for sale on the highway and the repair of vehicles on the road.

28. To monitor and enforce Planning Obligations pursuant to Section 106 of the Town and Country Planning Act 1990 and the Community Infrastructure Levy Regulations 2010 and subsequent amendments and instruct Head of legal to take the necessary action to prosecute any breaches that are unable to be resolved through negotiation.

Conservation Areas /Article 4 Directions/Listed Buildings

29. To determine whether it is appropriate to, and, if so, to serve Directions and Notices under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 and to confirm such Directions if no objections are received within the statutory consultation period.

30. To carry out reviews and to amend Directions under Article 4 of the Town and Country Planning (General Permitted Development)(England) Order 2015, in consultation with the Local Ward Member(s) and the relevant Portfolio Holder in consultation with the Local Ward Member(s) and the relevant Portfolio Holder.

31. Provided that the principle of the creation of the new Conservation Area, has been agreed by the Cabinet, to designate new, Conservation Areas, and to serve Notices to that effect under section 69 of The Planning (Listed Buildings and Conservation Areas) Act 1990 and in consultation with the local Ward Member(s) and the relevant Portfolio Holder.

32. Following a review by the authorised decision taker, to vary or cancel to Conservation Area Designations, and to serve Notices to that effect, under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. and in consultation with the local Ward Member(s) and the relevant Portfolio Holder.

33. To authorise entry to land in accordance with the provisions of Section 88 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

34. To serve requisition of Information Notices under Section 89 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

35. To issue Listed Building Enforcement Notices under Section 38 Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 after consultation with the Service Manager (Legal).

36. To serve Building Preservation Notices under Section 3 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 or any statutory modification or re-enactment thereof subject to reporting such action at the next meeting of the Cabinet or Committee as appropriate.

37. To issue Repairs Notices under Section 48 and Urgent Works Notices under Section 54 of the Town and Country Planning (Listed Building and Conservation Area) Act 1990.

Environmental Assessment

38. To require the submission of an Environmental Assessment under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011

39. To give and adopt such notices and opinions and to take such other action as may be necessary to ensure compliance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Building Regulations

- 40. The determination and relaxation of applications under the Building Regulations.
- 41. Powers and Duties under the Building Act 1984, which relate to Building Regulations.
- 42. Power to serve notices under Section 36 of the Building Act 1984, as amended.
- 43. Action under Sections 77 and 78 of the Building Act 1984, to deal with dangerous buildings and structures in emergency situations.
- 44. Action under Section 80 of the Building Act 1984, to deal with and control demolition work.
- 45. To authorise temporary road closures under section 21 of the Town Police Clauses Act 1847.
- 46. Authority for entry and the service of statutory notices and cautions and to take enforcement action (including prosecutions where permitted) under the Building Act, 1984.

Local Land Charges

- 47. To discharge the duties and services required by the Local Land Charges Act 1975 by maintaining a register of legally registrable local land charges for both Council areas and an index that is easily traced. The setting of fees for this service is delegated to the Head of Resources and Performance in consultation with the Head of Planning and Growth and subject to compliance with section 13A of the Act.

The Head of Planning and Growth makes the following sub-delegations to Officers:

(I) Sub-delegations to be exercised by officers *in addition to the Head of Planning and Growth:*

Planning

General Procedures

- 1. As well as the Head of Planning and Growth, the Service Manager (Planning – Development), all Principal Planning Officers in the Development Management Section Principal Conservation Officer and Principal Enforcement Officer to give and adopt such notices and opinions and to take such other action as may be necessary to ensure compliance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011

2. As well as the Head of Planning and Growth, the Service Manager (Planning – Development), all planning officers and enforcement officers, landscape officers and conservation officers:

(a) make representations to the Secretary of State in respect of all planning appeals conducted by exchange of written representations and by a hearing, including those under the provisions of the Town and Country Planning (Appeals) (Written Representation Procedure)(England) Regulations 2000, the Town and Country Planning (Hearings Procedure) (England) Rules 2000 and other relevant legislation/regulations (for appeals against the refusal of permission or consent and against an enforcement notice); and

(b) give evidence at all planning inquiries, including those conducted under the provisions of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 and the Town and Country Planning (Determination by Inspectors) (Inquiries Procedure)(England) Rules 2000 (appeals against the refusal of permission or consent or in respect of applications called in by the Secretary of State) and the Town and Country Planning (Enforcement) (Inquiries Procedure) Rules 1992 (appeals against enforcement notices).

3. As well as the Head of Planning and Growth , the Development Manager, all Principal Planning Officers in the Development Management and , Planning Policy and Growth Sections together with the Principal Planning Enforcement Officer, Principal Conservation Officer Ecology Tree and Landscape Officer to give and adopt such notices and opinions and to take such other action as may be necessary to ensure compliance with Regulation 61 of the Conservation of Habitats and Species Regulations (2010) in relation to Habitat Regulations Assessments.

4. In respect of Part 8 of the Anti-Social Behaviour Act 2003 with reference to High Hedges, The Principal Enforcement Officer and Ecology Tree and Landscape Officer and , Tree Officer:-

(a) serve High Hedge enforcement notices where determinations have not been complied with;

(b) enter land in the course of dealing with complaints, appeals and enforcement;

(c) prepare and deliver the Council’s case where an appeal against a determination has been lodged; and

(d) determine a complaint and to issue a decision accordingly.

Planning Applications

5. As well as the Head of Planning and Growth, the Service Manager (Planning – Development), all Principal Planning Officers in the Development Management Section, Principal Conservation Officer and Principal Enforcement Officer to issue decision notices on planning

applications and to take all action necessary to ensure compliance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2015

6. As well as the Head of Planning and Growth, the Service Manager (Planning – Development), all Principal Planning Officers in the Development Management and Planning Policy and Growth Sections, the Principal Enforcement Officer and Principal Conservation Officer to deal with minor amendments and variations to planning permissions and consents and to discharge planning conditions.

7. In accordance with the Scheme of Delegation, Senior Planning Officers have authority to sign off and issue the following:

(a) Issuing of decisions relating to planning applications for domestic extensions, and the issuing of decisions for related listed building consent and Demolition applications;

(b) Issuing of decisions relating to applications under the advertisement regulations and the issuing of decisions for related listed building consent applications;

(c) Issuing of decisions relating to applications for development Plan compliant minor applications where no 'contrary view' is expressed and all 'other' category developments where the Parish/Town Council has not expressed a contrary view and the issuing of decisions for related listed building consent applications;

(d) Issuing of decisions relating to planning applications for extensions/alterations to commercial premises and the issuing of decisions for related listed building consent and applications;

(e) Issuing of decisions relating to planning applications for minor operations and the issuing of decisions for related listed building consent and applications;

(f) Issuing of decisions relating to applications for the discharge of conditions;

(g) Issuing of decisions relating to minor amendment applications relating to any of the application types mentioned above a – e;

(h) Issuing of decisions relating to planning applications for variation of conditions relating to any of the application types mentioned above a – e;

8. All planning and conservation officers to have authority to sign off and issue the following:

(a) Issuing of decisions relating to applications for the discharge of conditions and non-material amendments relating to applications which they have previously dealt with;

(b) Sign their own letter relating to pre-application advice which they may give, subject to the letter containing the latest standard disclaimer.

It should be noted that no officer will sign off an application where they have been the Case Officer. Every decision should have been signed off by at least two officers.

Planning Enforcement

9. In accordance with the Scheme of Delegation, the Principal Enforcement Officer, the Service Manager (Planning – Development) and (in the absence of the Principal Enforcement Officer) any Principal Planning Officer within Planning and Growth:

(a) To issue and serve Breach of Condition Notices under Section 187A of the Town and Country Planning Act 1990

(b) To authorise entry to land in accordance with the provisions of Section 196A and Section 324 of the Town and Country Planning Act 1990, Section 88 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 36 of the Hazardous Substances Act 1990

(c) To serve Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990 (as amended)

(d) To serve Requisition of Information Notices under Section 330, Town and Country Planning Act 1990, Section 89 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976

(e) To issue Enforcement Notices under Sections 172 and 215 (Untidy Lands), Listed Building Enforcement Notices under Section 38 Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and Stop Notices under section 183 of the Town and Country Planning Act 1990 in consultation with the Service Manager (Legal)

(f) To serve temporary stop notices under Sections 171E to 171H of the Town and Country Planning Act 1990 (as amended), and in consultation with the Service Manager (Legal)

(g) To terminate investigative action in cases where it is appropriate not to pursue enforcement action

(h) To take all appropriate legal steps to secure compliance with extant Enforcement Notices and Stop Notices under section 215 including prosecution, in consultation with the Service Manager (Legal)

(i) To authorise enforcement action under Part 8, Section 74 of the Anti-social Behaviour Act 2003 (High Hedges) (following determination of complaints under the same powers)

(j) To take prosecution action under Part II Sections 3 and 4 and of the Clean Neighbourhoods Act 2005 to pursue action against the exposure of vehicles for sale on the highway and the repair of vehicles on the road in consultation with the Service Manager (Legal)

(k) To monitor and enforce Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 and the Community Infrastructure Levy Regulations 2010 and subsequent amendments and instruct Service Manager (Legal) to take the necessary action to prosecute any breaches that are unable to be resolved through negotiation

(l) To comment upon and object to vehicle operators' license applications on behalf of the Head of Planning and Growth;

10. In accordance with the Scheme of Delegation, the Principal Conservation Officer and the Service Manager (Planning – Strategy) have authority to sign off and issue the following:

(a) Issuing of decisions relating to applications for Listed Building Consent and Certificates of Lawfulness for Listed Buildings

(b) To authorise entry to land under Section in accordance with the provisions of Section 88 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

(c) Serve Requisition of Information Notices under Section 89 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

(d) Issue Listed Building Enforcement Notices under Section 38 Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 in consultation with the Service Manager (Legal)

(e) Serve Building Preservation Notices under Section 3 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 in consultation with the Service Manager (Legal)

Building Control

11. As well as the Head of Planning and Growth, the Building Control Manager and Building Control Surveyors issue decision notices under the Building Regulations and Building Acts and to serve notices in respect of contraventions of the Regulations and with respect to dangerous structures and demolitions under the Building Act.

12. The Head of Planning and Growth, Building Control Manager and Building Control Surveyors, to instruct a contractor on the approved list to carry out all necessary action under Section 78 of the Building Act 1984 concerning emergency measures to deal with dangerous buildings and structures.

Environmental Health and Licensing

1. The Head of Planning and Growth has the responsibility for the overall management, administration and control of the executive and non-executive functions of the Environmental Health and Licensing including the following services:
 - a. Pollution control
 - b. Food safety
 - c. Licensing
 - d. Health and Safety Enforcement
 - e. Animal and other licensing
 - f. Infection control
 - g. Other environmental health related matters not managed elsewhere

2. The Head of Planning & Growth and in his/her absence the Managers within that function are authorised to issue and serve all notices, authorisations, grant powers of entry, appointments, instruments and other documents in relation to all animal, health, safety, food, licensing and environmental legislation for which the Council and service is the responsible administrative or enforcing Authority.

3. To issue, grant and sign licences, registrations, exemptions, grant authorisations, permits and consents and provisional licences and statements and where appropriate, attach conditions, and vary, alter, amend, renew and authorise the transfer (as appropriate) of such licences, registrations, exemptions and approve Notices and consents in any of the legislation or enactments thereof in part 4 below

4. The Head of Planning & Growth is authorised to appoint and authorise officers with relevant qualifications, competence and experience to act either generally or specifically, including provision of powers of entry under the following legislation or any statutory modification or re-enactment thereof (including any Order, Regulation or Amendment made by it or under it):
 1. Animal Boarding Establishments Act 1963
 2. Animal Health and Welfare Act 1984
 3. Anti-Social Behaviour, Crime and Policing Act 2014
 4. Breeding of Dogs Act 1973 as amended by Breeding and Sale of Dogs Welfare Act 1999
 5. Building Act 1984
 6. Clean Air Act 1993
 7. Clean Neighbourhoods and Environment Act 2005
 8. Control of Pollution Act 1974
 9. Contaminants in Food (England) Regulations 2013
 10. Dangerous Wild Animals Act 1976

- 11.Environment Act 1995
- 12.Environmental Protection Act 1990
- 13.European Communities Act 1972 (and Regulations made under it).
- 14.Factories Act 1961
- 15.Food and Environment Protection Act 1985
- 16.Food Safety and Hygiene (England) Regulations 2013
- 17.Food Safety Act 1990 and subordinate regulations
- 18.Gambling Act 2005
- 19.Health Act 2006 Part 1; and
- 20.Health Protection (Local Authority Powers) Regulations 2010
- 21.Health Protection (Part 2A Orders) Regulations 2010
- 22.Health & Safety at Work etc. Act 1974 and subordinate regulations
- 23.Highways Act 1980
- 24.House to House Collections Act 1939
- 25.Licensing Act 2003
- 26.Local Government Act 1972
- 27.Local Government Act 2000
- 28.Local Government Miscellaneous Provision Act 1976
- 29.Local Government Miscellaneous Provision Act 1982
- 30.National Assistance Act 1948
- 31.Noise Act 1996
- 32.Noise and Statutory Nuisance Act 1993
- 33.Official Feed and Food Controls (England) Regulations 2007 and 2009
- 34.Offices, Shops and Railway Premises Act 1963
- 35.Pet Animals Act 1951
- 36.Pollution Prevention and Control Act 1999
- 37.Prevention of Damage by Pests Act 1949
- 38.Private Water Supplies Regulations 2009
- 39.Products of Animal Origin (Third Country Imports) Regulations 2006 (as amended)
- 40.Products of Animal Origin (Import and Export) Regulations 1996 (as amended)
- 41.Public Health Act 1875
- 42.Public Health Act 1936
- 43.Public Health Act 1961
- 44.Public Health (Control of Diseases Act) 1984
- 45.Radioactive Substances Act 1993 (including the Public Register)
- 46.Refuse Disposal Amenity Act 1978
- 47.Riding Establishments Act 1964
- 48.Riding Establishments Act 1970
- 49.Pesticides Act 1998
- 50.Police, Factories & C (Miscellaneous Provisions) Act 1916;
- 51.Scrap Metal Dealers Act 2013
- 52.Sunday Trading Act 1994 as amended
- 53.Town Police Clauses Act 1847 and 89
- 54.Transmissible Encephalopathies (No 2) Regulations 2006
- 55.Vehicles (Crime) Act 2001
- 56.Water Act 1989
- 57.Water Resources Act 1991
- 58.Town and Country Planning Act 1990
- 59.Water Industry Act 1991

60.Zoo Licensing Act 1981 as amended

All reference to any statute, enactment, order, regulation or other similar instrument shall be construed as a reference to them as amended (or re-enacted) by any subsequent enactment, modification, order, regulation or instrument.

5. To sub-delegate any matters for which the Head of Planning and Growth is authorised to act, in any capacity, in respect of for Environmental Health and Licensing.
6. Take all necessary legal action required to enforce the provisions of relevant legislation relating to all environmental health and licensing functions.
7. To facilitate reciprocal working arrangements between licensing enforcement officers from Borough/District Councils within Suffolk.
8. Pursuant to Sections 115 A-K of the Highways Act 1980 and in accordance with the Council's policy for trading and displays on the highways to determine applications and take other action under these provisions.
9. To approve any fees and charges for the service.
10. To operate the Council's policy for street vending (including street cafés) in Bury St Edmunds and Haverhill, including responsibility for the grant of.
11. To consider and make relevant representations (and or objection notices) in respect of any applications and notices made under the Licensing Act 2003 and any subsequent amendments and regulations in accordance with any provisions for the Licensing Authority to act as a Responsible Authority.
12. The Head of Planning & Growth, the Environmental Health Service Manager and the Business Regulation and Licensing Manager is authorised to act on behalf of the Council in relation to any matters including enforcement arising in relation to licences granted under the Licensing Act 2003.
13. The Head of Planning & Growth, the Environmental Health Service Manager and the Business Regulation and Licensing Manager shall also have the following powers:
 - a) Power to determine applications under the Licensing Act 2003 as defined and detailed in the Council's Statement of Licensing Policy in accordance with guidance issued under Section 182 of the 2003 Act by the Secretary of State.

- b) Power to determine applications under the Gambling Act 2005 as defined and detailed in the Council's Statement of Principles in accordance with the guidance issued under Section 25 of the 2005 Act by the Gambling Commission.
 - c) Power to deal with any appeal arising out of the licensing process and to compromise any appeal, subject to reporting the outcome of the appeal to the Licensing Committee or the Licensing and Regulatory Committee.
 - d) Power to determine if representations made from an interested party in respect to an application for a premises licence are frivolous or vexatious or in respect to an application to review a licence are frivolous, vexatious or repetitious.
 - e) Power to appoint such officers to deal with applications and Hearings under the Licensing Act 2003 as are necessary for the proper operation of the Council's powers under the 2003 Act.
14. Appoint suitably qualified officers as inspectors under the Health and Safety at Work etc. Act 1974 and any regulations made under the Act and to specify which of the powers under the Act to be exercisable by officer appointed.
15. All reference to any statute, enactment, order, regulation or other similar instrument shall be construed as a reference to them as amended (or re-enacted) by any subsequent enactment, modification, order, regulation or instrument.
16. To accept tenders and quotations and to authorise works, initiate action or to act pursuant to the functions of the Council pursuant to legislation enforced by the Head of Planning and Growth in relation to Environment Health and Licensing.
17. To approve or reject plans and specifications under the provisions of the Clean Air Acts 1993 and to grant exemptions.
18. To make representations to the relevant Secretary of State, if he is satisfied that water being supplied for public consumption does not meet the appropriate criteria and the water undertaker has failed to carry out works to remedy the situation; the facts of the representations to be reported to the next meeting of the Licensing and Regulatory Committee.
19. To serve notice in respect of private drinking water supplies and to make arrangement for work in default to be carried out in accordance with the Water Act 1989 and its subordinate legislation where informal approaches have failed to secure the necessary improvements.
20. Subject to the approval of the Licensing Committee, and after such consultation as considered necessary, to make objections and representations in respect of proposals relating to the discharge of

effluent; the facts of the objection or representation to be reported to the next meeting of the Committee.

21. To maintain a public register of information as required by the Environmental Protection Act 1990 and the Pollution Prevention and Control Act 1999.
22. Administer, issue and serve Simple Cautions.
23. To authorise any person to accompany an Inspector on a visit to premises pursuant to S.20 (2)(c)(i) of the Health and Safety at Work Act 1974.
24. To authorise in writing any person who appears suitable to act for the purposes set out under Section 108 of the Environment Act 1995
25. To authorise suitably qualified, competent and experienced Health staff from another local authority to act on behalf of this Council in the event of a major emergency.
26. To revoke authorisations for Industrial Processes subject to Local Air Pollution Prevention Control in cases where it is appropriate.
27. To exercise the Council's powers under Sections 77 and 78 of the Criminal Justice and Public Order Act 1994 as to the issue and the serving of a Notice of a Direction under Section 77 of that Act.
28. In consultation with the relevant Portfolio Holder, to adopt any Service Plans required by the Food Standards Agency and Health and Safety Commission, provided they are consistent with the Service Plans and budgets approved by the Council.
29. To make changes to the licence conditions for Hackney Carriages and Private Hire Vehicles in the light of changes to legislation and national guidance.
30. In respect of Hackney Carriage/Private Hire driver licences and operator licences applied for or granted under the provisions of the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976, to suspend such drivers and operators in appropriate circumstances, either subject to the usual provisions for appeal, or, to suspend licensed drivers with immediate effect on the grounds of Public Safety under s.61 Local Government (Miscellaneous Provisions) Act 1976 as amended by the Road Safety Act 2006.
31. To make amendments to the standard conditions for all licences relating to consents for street trading and for licences for house-to-house and street collections to ensure compliance with relevant local and national guidance, in consultation with the relevant Portfolio Holder(s).

32. Where appropriate, suspend consents for street trading in accordance with the terms of the consent.
33. In consultation with the Leader, to issue an Order in accordance with Sections 14A(1) and 14A(2) of the Public Order Act 1986 (as amended by Section 70 of the Criminal Justice and Public Order Act 1994).
34. Be authorised to, where appropriate, suspend, revoke or refuse to renew a Hackney Carriage or Private Hire Vehicle Licence in accordance with s.68 and s.60(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.
35. Power to agree payments for compensation arising under section 20 of the Public Health (Control of Disease) Act 1984.
36. To authorise works being carried out in default in cases where a breach of legislation can be remedied by the Council carrying out works in default.
37. Power to serve notices under section 19, commence legal proceedings under section 20 and provide certificates under section 22 of the Criminal Justice and Police Act 2001 in relation to closure orders where there are suspected unauthorised sales of alcohol or breach of licence conditions or unauthorised licensable activities taking place at premises.
38. To administer relevant anti-social behaviour provisions, and taken all necessary legal action, including to give directions, serve notices, enforce, carry out works in default, issue formal cautions and to lay information and complaints to Court in relation to offences in appropriate cases under the following Acts and any Act or Acts extending or amending the same and under any order of regulations made under the said Act or Acts:
 - Anti-Social Behaviour, Crime and Policing Act 2014
 - Crime & Disorder Act 1998
 - Criminal Justice & Police Act 2001
 - Criminal Justice & Public Order Act 1994
 - Housing Act 1996
 - Local Government Act 1972
 - Local Government Act 2000
 - Police & Justice Act 2006
 - Policing and Crime Act 2009
 - Protection from Harassment Act 1997
 - Serious Organised Crime & Police Act 2005
39. To authorise the appropriate officers to undertake any actions set out in Section 143 of the Highways Act 1980.
40. To authorise any officer appointed as an inspector under the Health and Safety at Work etc. Act 1974 to institute proceedings for offences

(Section 38) and to prosecute before magistrates court proceedings for an offence under any of the relevant statutory provisions (Section 39).

41. Issue and serve Requisitions for Information as to the ownership of property pursuant to Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
42. Deal with food complaints.
43. Apply to the Court for an Emergency Prohibition Order under the Food Safety legislation and take all necessary preliminary action for that purpose, including the laying of information or information in relation to an offence or offences.
44. Exercise the powers contained in Food Safety legislation to institute proceedings under any provisions of that Act/Regulations or any Regulations or Orders made under them.
45. Agree local transfers and assignments under Regulations 5 and 6 of the Health and Safety (Enforcing Authority) Regulations 1989.
46. Sign instruments of appointment under Section 19 of the Health & Safety Work etc. Act 1974.
47. Issue and serve notices, authorisations, instruments and other documents under the Breeding of Dogs Acts 1973 and 1991 as amended by the Breeding and Sale of Dogs (Welfare) Act 1999 and also under the 1999 Act itself where there is a duty placed on the Council to do so.
48. Serve notices under Section 20 of the Local Government (Miscellaneous Provisions) Act 1976 in consultation with the appropriate Portfolio Holder whenever the Head of Environmental Services/one of his/her Service Managers deems it appropriate subject.
49. To approve (but not refuse) charitable house-to-house and street collections.
50. To refuse applications for consents, permits and licences and registrations where the application or the grant of the application would be or would result in a contravention of the law.
51. To refuse applications for extensions to the permitted hours for street trading as set out in the Council's Standard Conditions.

52. To revoke a Street Trading Consent where payment of two consecutive monthly instalments of application fee remain outstanding.
53. To appoint Consultant in Communicable Disease Control (CCDC) as Proper Officer.
54. To authorise officers, the CCDC and other nurses qualified to 'Agendas For Change band 7 and above' within the Norfolk, Suffolk and Cambridgeshire Health Protection Unit (NSCHPU) or any successor agency for Regulation 8 (1) and 8 (2) or the Health Protection (Local Authority Powers) Regulations 2010.
55. To authorise officers granted powers under any Health Protection Legislation to apply for a Part 2A order in accordance with the Health Protection (Part 2A Orders) Regulations 2010
56. Suitably qualified staff be appointed Proper Officers for the purpose only of exercising rights of entry under Sections 61 and 62 of the Public Health (Control of Diseases) Act 1984.
57. To authorise all officers within the service, where appropriate to apply for search warrants and to execute them.
58. To authorise any relevant actions under Section 222 of the Local Government Act 1972.

Scheme of Delegation to Officers

Head of Resources and Performance

1. To be responsible for the administration of the financial affairs of the Council pursuant to Section 151 of the Local Government Act 1972 and to act generally as the Council's Chief Finance Officer under the terms of the Local Government Acts 1985 and 1988.
2. To undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance '.
3. To be responsible for the implementation and management of the Council's Risk Framework.
4. To ensure the collection of all income due to the Council and take all necessary action for the recovery of debts owed to the Council and to deal with irrecoverable amounts, as prescribed in the Council's Financial Regulations
5. To institute proceedings in a Magistrates Court for the purpose of recovering sums due under the General Rate Act 1967 and the Local Government Finance Acts of 1988 and 1992.
6. To be responsible for insuring all the Council's properties and other appropriate liabilities and settling all insured claims through the Council's insurers.
7. To ensure payment to all creditors, including loan interest recipients and employees of the Council.
8. To manage the Revenues and Benefits function, including being authorised to appoint appropriately qualified officers employed within the Anglia Revenues Partnership to:-
 - (a) make complaints to and appear before a Magistrates' Court in connection with summonses for non-payment of Council Tax and National Non-Domestic Rates and to take all steps and appear before a Magistrates' Court in connection with applications for the issue of warrants committing Community Charge, Council Tax and National Non-Domestic Rates debtors to prison;
 - (b) appear before any Valuation Tribunals held under the Local Government Finance Acts 1988 and 1992;
 - (c) appear before a County Court for the issue of a charging order under Sections 50 and 51 of the Council Tax (Administration and Enforcement) Regulations 1992;
 - (d) write off as irrecoverable any bad debt up to £500;
 - (e) issue a formal caution and administrative penalty relating to Housing Benefit or Council Tax Benefit fraud;

- (f) exercise Section 109B and 109C powers under the Social Security Act 1992 (power to obtain information in relation to benefit fraud) and, under Section 110A of the same Act, the Chief Finance Officer to authorise further officers to exercise such powers;
 - (g) obtain information, following consultation with the Chief Finance Officer and Deputy Finance Officer, relating to benefit fraud under the Social Security Fraud Act 2001;
 - (h) administer the Localised Council Tax Support Scheme;
 - (i) to make or object to proposals for alteration or addition to the Valuation List;
 - (j) to obtain Certificates and to apply to the Valuation Officer for apportionment of the rateable value of partly occupied hereditaments under Section 25 of the General Rate Act 1967 and the Local Government and Housing Act 1989;
 - (k) to deal with applications for the statutory rate relief for charities;
 - (l) to make refunds of rates under Section 9 of the General Rate Act 1967 where the certificate of the Valuation Officer has been obtained;
 - (m) to manage the Council's rating function including the acquisition of information required and the provision of information to ratepayers;
 - (n) to seek advice on suspected Benefit and Council Tax fraud cases;
 - (o) to deal with applications made under the Local Government Finance Act 1992 for Council Tax Reductions for Disabilities;
 - (p) to fix the instalment dates for the payment of the Council Tax and for the National Non-Domestic Rates;
 - (q) to determine applications for rating relief under Sections 43, 45 and 49 of the Local Government Finance Act 1988;
 - (r) to operate and amend any appropriate list of qualifying properties under the Village Shops and Post Offices Rate Relief Scheme;
 - (s) to determine first stage representations from claimants in respect of housing benefits;
 - (t) to determine applications for Housing Benefits; and
 - (u) to determine rent for Housing Benefit purposes, after consultation with the Head of Legal and Democratic Services as appropriate.
9. To write off as irrecoverable any bad debt up to £2,500 and write off obsolete plant and equipment.
10. To serve notices pursuant to the General Rate Act 1967 and Local Government Finance Acts of 1988 and 1992.
11. To manage the Council's investments.
12. To accept on behalf of the Council temporary and permanent loans.
13. To determine the charges payable for letting accommodation in the Council's offices.
14. To be responsible for preparing all financial accounts, statements, estimates and budgets for the Council.

15. To manage the Council Tax functions including the provision of statutory information, and the billing, collection and recovery of sums due.
16. To approve applications for discretionary rate relief under the provisions of the Local Government Finance Act 1988 and in accordance with criteria laid down by the former Development and Finance Committee and subject to appeal to the Licensing and Regulatory Committee.
17. To determine applications for rating relief (hardship relief) made under S49 of the Local Government Finance Act 1988 subject to appeal to the Licensing and Regulatory Committee and to an annual report to the Cabinet of decisions made.
18. To pay allowances to Members in accordance with Council policy.
19. To approve miscellaneous ex-gratia payments not exceeding £500 in any one case.
20. To prepare and monitor the Capital Programme together with the available Capital Resources.
21. To determine fees, after consultation with the Head of Planning and Growth, Head of Housing, or Head of Human Resources, Legal and Democratic Services as appropriate, pursuant to the following statutes:-
 - Pet Animals Act 1951;
 - Animal Boarding Establishments Act 1963;
 - Riding Establishments Act 1964;
 - Breeding of Dogs Act 1973;
 - Zoo Licensing Act 1981;
 - Dangerous Wild Animals Act 1976;
 - Local Government (Miscellaneous Provisions) Act 1982;
 - Prevention of Damage by Pests Act 1949;
 - Environment Act 1995;
 - Dogs (Fouling of Land) Act 1996;
 - Housing Grants, Construction and Regeneration Act 1996;
 - Housing Act 1996;
 - Licensing Act 2003;
 - Housing Act 2004;
 - Gambling Act 2005;
 - Animal Welfare Act 2006
22. To determine applications for Housing Act advances for the acquisition, repair, conversion and improvement of dwellings.
23. To approve variations in the rate of interest payable on Housing Act advances.
24. To apply for Grant of Letters of Administration and act as the Council's nominee (with the Head of HR, Legal and Democratic Services) where the Council are creditors in the estate of a deceased person.

25. To determine, in consultation with the Head of Planning and Growth, all fees payable in relation to hackney carriages, their drivers, private hire vehicles and their drivers and operators.

26. To administer the Council's car loans and car leasing schemes.

27. To approve the payment of insurance settlements for a personal accident claim in consultation with the relevant Head of Service and the Head of Human Resources, Legal and Democratic Services.

28. In consultation with the Head of Human Resources, Legal and Democratic Services, to waive the actuarial reduction on compassionate grounds in circumstances deemed appropriate, in accordance with Regulation 31 of the Local Government Pension Scheme Regulations 1997.

29. To pay any unspent payroll related budgets, on an opportunity basis, to the reduction of any deficit on the Pension Fund.

30. To make arrangements for the most advantageous timing, and phasing, of the payment of available Provisions for Credit Liabilities and Usable Capital Receipts into the Suffolk County Pension Fund, up to the approved limit, in consultation with the relevant Portfolio Holder.

31. To execute and administer treasury management decisions, in accordance with the Council's Treasury Management Policy Statement and Treasury Management Practices and, if he/she is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.

32. To place any grant received through the Local Public Service Agreement initiative in a Community Development Reserve established for this purpose and to amend the Capital Programme to include the capital element of the grant.

33. To transfer any unbudgeted specific grants received into the appropriate reserve. The level and use of this reserve account to be subject to further consideration by the Cabinet and, if required, full Council.

34. In consultation with the Portfolio Holder for Resources and Performance, and taking into account the required level of General Fund balances, to transfer excess interest earned over budget into an Interest Equalisation Reserve established for this purpose and, in order to minimise the impact of any adverse interest rate adjustments in the future, to transfer funds back from this Reserve into the interest budget, as required.

35. Exercise the proper administration of the Council's financial affairs, including, management of the Council's banking arrangements, debt, raising and repayment of loans, investments, pensions matters, leasing arrangements and the Council's insurance arrangements.

36. Undertake all investment transactions within the investment policy determined by the Council including the management of the External Investment Fund in liaison with any Fund Managers appointed by the Council.

37. Raise loans within the limits approved by Central Government and to use overdraft facilities to the limits agreed with the Council's bankers.

38. Manage the Council's loan debt and to raise and repay loans, together with other appropriate instruments, to give effect to the borrowing limits determined under Section 45 of the Local Government and Housing Act 1989 and in accordance with any other relevant controls imposed by Central Government, the Voluntary Code of Practice on Borrowing and the Council's policy decision to reschedule long term.

39. To exercise discretion in consultation with the relevant portfolio holder to use the Council's reserves as necessary.

40. To exercise the function of being the Council's Money Laundering Officer under the appropriate legislation.

41. Exercise the proper administration of the Council's financial affairs, including, management of the Council's banking arrangements, debt, raising and repayment of loans, investments, pensions matters, leasing arrangements and the Council's insurance arrangements.

42. Undertake all investment transactions within the investment policy determined by the Council including the management of the External Investment Fund in liaison with any Fund Managers appointed by the Council.

43. Raise loans within the limits approved by Central Government and to use overdraft facilities to the limits agreed with the Council's bankers.

44. Take all necessary action for the recovery of debts owed to the Council and to deal with irrecoverable amounts, as prescribed in the Council's Financial Regulations.

45. Negotiate terms for the Council's banking arrangements and report the outcome of those negotiations to the Council for consideration.

Section 5 - Member Job Descriptions

Leader of the Council

1. General

The Leader of the Council will represent the Council 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) Enable preparation of the Decisions Plan;
- (5) Have an overview of, and advise on, the policy making of the borough [SEBC] / district [FHDC];
- (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 Joint 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 Joint 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 Ward Councillors; and
- (16) Liaise with Chairmen and Vice-Chairmen of the Scrutiny Committees to ensure that work programmes are properly co-ordinated.

Deputy Leader of the Council

1. General

- 1.1 The Deputy Leader of the Council is responsible for supporting the Leader in 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) Enabling the preparation of the Decisions Plan;
 - (c) Consulting with the Joint 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/Chairman and the Chairmen of the Overview and Scrutiny Committee and Performance and Audit Scrutiny Committee to expedite the efficient and effective delivery of council business.

2. Specific duties include:

- 2.1 In the absence of the Leader, to chair Cabinet meetings, conduct the Cabinet's business and present reports to Council.
- 2.2 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.
- 2.3 On behalf of the Leader, to represent the Council on local, regional and national bodies.
- 2.4 On behalf of the Leader, to represent Council policy to the community, partners and the media.
- 2.5 With the Leader, to attend quarterly meetings with the Chairmen and Vice-Chairmen of the Overview and Scrutiny Committee and Performance and Audit Scrutiny Committee and to ensure the work of these committees is properly co-ordinated.
- 2.6 To carry out the duties identified in the job descriptions for Cabinet Members, their own Cabinet portfolio and Ward 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 Suitable and proper arrangements being 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 [SEBC] /District [FHDC]* and the whole of West Suffolk, and of all the residents, businesses, other organisations and stakeholders within West Suffolk;
- 2.5 A community leadership role being 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 contribute to the Council's Corporate Priorities.
- 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 Ward 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:-

- (a) Advising the Council, Cabinet or Overview and Scrutiny Committee on matters concerning the implementation, monitoring and performance of services, groups of services, initiatives and projects;
- (b) Monitoring the performance of portfolio functions and activities to ensure corporate objectives and targets are achieved;
- (c) Advising and consulting with officers on matters of significance for Council policy and its implementation;
- (d) Representing the Council's views to other agencies, community interests and local media;
- (e) Formally representing the Cabinet at meetings and working groups of the Overview and Scrutiny Committee and Performance and Audit Scrutiny Committee;
- (f) Liaising with other lead members and officers on strategic matters to ensure proper co-ordination, consistency and seamless delivery of services within Council policy;
- (g) Chairing, from time to time, meetings of members and officers and with Council partners;
- (h) Assisting in the development of work programmes, Decisions Plans and the setting of agendas;
- (i) presenting and reporting issues to the Council, its committees and members' seminars;
- (j) being consulted as part of any decision-making processes within their portfolio which have been delegated to officers; and
- (k) Being consulted on any matters of urgency which an officer needs to act upon prior to a member decision.

Ward Councillor

1. Overview

- 1.1 As a councillor, you will be expected to balance the needs and interests of your local area, your residents and voters, community groups, local businesses, your political party (if you belong to one) and the council.
- 1.2 First and foremost, you will represent your ward, engaging with residents and groups on a wide range of different issues and taking on an important community leadership role. At the council, you will contribute to the development of policies and strategies, including budget-setting. You may also be involved in taking decisions on planning or licensing applications.

2. Representing the local area

- 2.1 Represent effectively the interests of the ward for which you were elected and deal with residents' enquiries and representations, fairly and without prejudice.
- 2.2 Champion the causes which best relate to the interests of the community and campaign for improvements in the quality of life of the community in terms of diversity, safety, well-being, economy and environment.
- 2.3 Use local knowledge in the development of council policies, including listening to the needs of local people and taking their views into account when considering policy proposals and decision-making.
- 2.4 Ensure that local people are informed about:
 - Services in their area;
 - Decisions that affect them;
 - The reasons why decisions were taken by the council;
 - Their rights as residents.
- 2.5 Represent the authority to the community and the community to the authority, through the various forums available.
- 2.6 When appropriate, respond to any council consultation regarding matters within your ward.
- 2.7 Know your ward, and be aware of its particular qualities, advantages and problems.
- 2.8 Know and work with representatives of local organisations, interest groups and businesses.
- 2.9 Encourage people in your ward to participate in the democratic decision-making process by engaging with consultations etc.

3. Participating in the work of the council

- 3.1 Participate effectively at all meetings of council and at committees, groups or other forums to which you are appointed.
- 3.2 Contribute actively to the formation and scrutiny of the council's priorities, budget, strategies and service delivery.
- 3.3 Develop and maintain a working knowledge of the council's services, management arrangements, powers/duties and constraints and develop good working relationships with the council's officers.

- 3.4 Fulfil the statutory and locally determined requirements of an elected member, including compliance with all relevant codes of conduct and protocols.
- 3.5 Represent the council on outside bodies to which it appoints you.
- 3.6 Support the *Mayor [SEBC] /Chairman [FHDC]* in promoting the civic life of the council.
- 3.7 Participate in the scrutiny of the services and policies of the council and their effectiveness in meeting the strategic objectives of the council and the needs of its residents.
- 3.8 Maintain and develop your skills by engaging with the Member Development Programme and attending the training offered. Ensure you have sufficient IT skills to enable you to make use of the relevant council systems.

Extraordinary Council



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Referral of Recommendations from Cabinet	
Report No:	COU/SE/15/034	
Report to and date:	Extraordinary Council	17 November 2015
Documents attached:	None	

(A) Referrals from Cabinet: 20 October 2015

1. Enterprise Zones

Cabinet Member: Cllr Alaric Pugh

Report No:
[CAB/SE/15/064](#)

RECOMMENDED:

That due to the potential financial implications of a successful Enterprise Zone bid, as detailed in Section 2 of Report No: CAB/SE/15/064, the S151 and Monitoring Officers be given delegated authority to pursue the Enterprise Zone discussions further in the event that either or both bids submitted by the Local Enterprise Partnerships are successful.

- 1.1 In addition to recommending the above for Council approval, the Cabinet also formally noted:

That at this time, Local Enterprise Partnerships (LEPs) are awaiting a decision by central Government regarding the award of Enterprise Zone status. The latest bidding round is once again a competitive process and Government will decide which applications are successful.

It has been made clear to both LEPs that, in the event that either of their applications are successful, that the sites submitted within St Edmundsbury will still require consideration by full Council.

- 1.2 Established in 2012, Enterprise Zones (EZ) are at the heart of the Government's long term economic plan, supporting businesses to grow. EZs are effectively designated commercial areas of land that offer incentives to businesses, which in turn increase the likelihood of bringing forward commercial development sooner than would otherwise be achieved. EZ status is granted for an initial 25 years period. Further background information on EZs is contained in Report No: CAB/SE/15/064.
- 1.3 Local Enterprise Partnerships (LEPs) were recently invited by central Government to make an application into the latest Enterprise Zone bidding round which closed on 18 September 2015.
- 1.4 Report No: [CAB/SE/15/064](#) provides an update regarding the approach taken by our two LEPs, Greater Cambridge Greater Peterborough and New Anglia, in response to this invitation.
- 1.5 The criteria used to judge the latest round of submissions will focus on locations that offer:
 - (1) **Delivery of strong economic growth.** Proposals must have: a clear strategy, aligned with the LEPs Strategic Economic Plans; a strong commercial proposition; and a strong location drawing on local assets or infrastructure.
 - (2) **Strong value for money.** Proposals must show: Economic Benefits exceed costs – the cost of creating the zones should deliver a positive return; activity generated is genuinely additional, so doesn't just support jobs that would have happened anyway or have just been moved from other locations; and that the proposal delivers wider economic benefits beyond the zone itself.
 - (3) **Implementation.** Sites should be clear and ready for occupiers (clear sites without existing buildings make the impacts easier to measure); no complicated land issues e.g. infrastructure, remediation etc; clear support from local partners – LAs and landowners; and clear arrangements for managing the zone.
- 1.6 Sites that met the above criteria were assessed, both internally by officers (taking into account the impacts and benefits from a change/increase in the business rates collected), and then externally by agents appointed by the LEPs, for suitability against this criteria. Support was also sought from the relevant landowners.
- 1.7 Following this assessment, an initial agreement was reached with both LEPs to include sites from St Edmundsbury within the current bidding round. GCGP has included land at Haverhill Research Park (HRP) within its bid, whilst NALEP has included 14 hectares of land at Suffolk Business Park (SBP) within their bid.
- 1.8 Section 3 of the Cabinet report provides details of the the potential benefits and implications of EZ status for West Suffolk Councils (WSC) and St Edmundsbury Borough Council (SEBC), including the proposals

from each LEP. The GCGP proposal is for local authorities (LAs) to retain 70% of business rate growth in the first 5 years, and then 50% of growth from years 6 to 25. NALEP has proposed that LAs retain 10% of business rate growth, whilst 35% is ring fenced for investment in the EZ. The remaining 55% is paid to NALEP to create a fund to invest in development across the entire LEP area. Importantly, NALEP has confirmed that they will not pursue any agreement on an EZ that is detrimental to the LA. Further discussions and agreement will, therefore be required.

- 1.9 Other considerations are the potential impact on planning fee income; the possible implications with regard to the Suffolk Pooling Agreement which was currently 26%; the interaction between future business rates pooling arrangements and any changes to the business rates arrangements in Suffolk arising from the ongoing devolution discussions; and the Government's recent announcement that from 2020 Councils will be handed the power to both set business rates, and to retain 100% of all locally raised business rates.
- 1.10 Section 4 of the Cabinet report outlines various modelling scenarios. Officers have modelled the likely impact upon business rates collection based on assumed development scenarios modelled at both locations (on a net developable area), applying the percentage shares proposed by both LEPs.

2. Transfer of Street Lighting Columns to Suffolk County Council

Cabinet Member: Cllr Peter Stevens

Report No:

[CAB/SE/15/065](#)

RECOMMENDED:

- (1) the contents of Report No: CAB/SE/15/065 be noted; and**
- (2) £1,810,000 of non-allocated capital be allocated to upgrade 3,027 St Edmundsbury Borough Council (SEBC) owned street lighting assets to enable 1,547 of them to be transferred and adopted by the Suffolk County Council Highway Authority and to reduce the cost to power and maintain the 1,481 lighting assets retained by SEBC (reducing annual SEBC revenue expenditure by £156,500 per annum).**

- 2.1 SEBC owns 3,028 electrical items of street furniture across the Borough (including assets due to be adopted as part of Section 38 developments). They are maintained under a service agreement with Suffolk County Council (SCC) who in turn also purchase and recharge for the energy consumed. Of the various models of lighting units the majority are of a type where the lamps are no longer manufactured as they do not comply with EU requirements and spares are now virtually exhausted.
- 2.2 SEBC has committed to making all street lighting controllable in respect of timing and light level output. The current SEBC units do not generally

offer the ability to switch or dim without modification. In addition, a significant number of SEBC owned units are mounted on wooden poles and situated too close to overhead power lines to be maintained within current engineering recommendations (referred to as G39/1).

- 2.3 From site surveys and data extracted from SCC's street lighting asset management system (Mayrise) 1,547 assets are on the highway and meet the criteria as eligible to transfer to SCC. 1,481 would remain under SEBC ownership. The exemption criteria are listed in Report No: CAB/SE/15/065.

Financial

- 2.4 The estimated cost of upgrading and altering the 1,547 eligible assets to comply with G39 requirements and to reduce their future maintenance and energy consumption cost, and to fit Intelligent Lighting Systems (ILS) for timing control is £1,033,386. Say £1.03 million.
- 2.5 On completion of the work the 1,547 lighting assets would be transferred to the responsibility of SCC.
- 2.6 The estimated cost of altering / upgrading the remaining 1,481 assets to meet current guidance inclusive of G39 requirements, European Legislation (regarding lamp types with mercury content) and to generally upgrade the SEBC asset including supplying and, where the fitting permits, fitting the ILS would require an investment of £752,081 (say £752k)
- 2.7 The above figures do not include works to assets such as feeder pillars, uprighters, footway bollards etc. and do not include traffic management above Chapter 8 signing and guarding. It is recommended to include a contingency sum of say £25,000 to cover those costs. **The total required capital investment is £ 1,810,468 (£1.81m).**
- 2.8 2014/2015 expenditure on energy costs including SCC administration charges was £141,765. 2014/2015 maintenance costs including SCC admin charges were £55,962. In calculating savings a 5% annual cost increase has been included for energy and maintenance. It is not possible to allocate the costs to individual lighting assets, but in total the costs represent a current average of £65.30 per asset per annum.
- 2.9 The 1,547 units transferring to SCC will show a 100% saving in on maintenance and energy. £101,019 based on 2014/2015 costs. **Saving say £100,000 p.a.** and a payback period after year 8.
- 2.10 The 1,481 units to remain with SEBC will consume less electricity and require reduced maintenance. Units capable of accepting Part Night Control (ILS) will consume further reduced energy. There are however, approximately 150 assets that may not accept ILS as listed in the Cabinet report.

- 2.11 Savings attributable to the 1,481 retained units are estimated as £21,000 p.a. for energy and £29,000 p.a. maintenance. **Total annual saving at current values is £50,000.**
- 2.12 If the Council elects to take advantage of the ILS and turn off lights during part of the night a **further £6,500 saving** is anticipated. The payback of costs to the retained assets varies between 10 years (with ILS) and 12 years (without ILS).

The total annual saving is therefore £156,500 p.a. at current prices

- 2.13 At 8.65% the internal rate of return of the project is slightly below the target return set within the Council's Medium Term Financial Strategy of 10%, when appraised on the basis of being funded by prudential borrowing. However, due to reasons outlined above this is considered acceptable. Actual borrowing will only take place when the Council's treasury management activities identify such a need e.g. the Council's cash flow management activities project that an external cash injection is required to maintain the appropriate level of cash balances for the Council to operate and fulfil its budget and service delivery requirements.
- 2.14 The Council currently manages funds in excess of this and therefore external borrowing is not expected during the life of this project in isolation. The Council also holds unallocated capital receipts in excess of this scheme and therefore it is proposed that the full 8.65% return value of this project is realised to support the general fund budget.

Part Night Lighting

- 2.15 SCC will implement part time lighting to all transferred lights and the retained lights will be similarly equipped.
- 2.16 The estimated savings assume that SEBC accepts part night lighting but SEBC would have discretion over whether to also implement part night time lighting. We are informed that each individual light can be controlled separately and, if required, can be switched on again at very short notice.
- 2.17 SCC implemented part night lighting in 2011 and report that after minor public disquiet this has been well received and there are now considerably more complaints when lights are operating all night. In areas that are part night lit, this initiative has contributed to a reported reduction in crime in excess of 25% although there may be seasonal variations and other factors that influence these figures. SCC is gathering figures regularly to identify if there are any trends). Appendix A attached to the Cabinet report outlines the preliminary findings of the impact of part night street lighting on crime and road accidents

Parish owned and maintained street lights

- 2.18 It is understood that there are a number of street lighting assets that are owned and operated by parish councils. These lights fall outside of the

scope of this report and its recommendations. However, if the recommendations of this report are approved and the project moves forward, officers will investigate if this approach could benefit parish councils.

- 2.19 The proposed programme of works is outlined in Report No: [CAB/SE/15/065](#), which assumes a site start of January 2016 with all upgrades and transfers complete by October 2016.

3. Hopton Village Hall Site and Sarson's Field: Development Brief

Cabinet Member: Cllr Alaric Pugh

Report No:
[CAB/SE/15/067](#)
**(Sustainable
Development Working
Party Report No:**
[SDW/SE/15/012](#))

RECOMMENDED:

That the draft Development Brief for the Hopton Village Hall Site and Sarson's Field, as contained in Appendix A to Report No: SDW/SE/15/012, be adopted as non-statutory planning guidance.

- 3.1 Policy RV21 of the adopted Rural Vision 2031 document sets out that 3.5 hectares of land are allocated for residential, community and / or village hall facilities and open space on land to the south of Hopton. The Policy states that applications for planning permission on the site will only be determined once the development brief has been adopted by the local planning authority. Furthermore it sets out that the indicative capacity of the site is for 25 dwellings. However, if the new community and/ or village hall facilities were to be developed on the site of the existing village hall and playing field, a higher level of housing may be feasible, provided that appropriate contributions were secured towards the delivery of the new facilities.
- 3.2 The draft Development Brief, incorporating post-public consultation amendments was attached as [Appendix A to Report No: SDW/SE/15/012](#) and has been prepared by consultants acting on behalf of the landowner. It proposes 'around 37 dwellings' which means on face value an amount of development that is significantly in excess of the capacity of the site and contrary to planning policy. However the policy states that;
- 'if new community and or village hall facilities were to be developed on the site of the existing village hall and playing field, a higher level of housing may be feasible, provided that appropriate contributions were secured towards the delivery of the new facilities'.*
- 3.3 The parish have for many years had aspirations to expand village hall provision. In this instance the developers have stated that they are seeking to give the Parish Council a sum of money towards enhanced village facilities with the delivery of 37 residential dwellings (with 30% being affordable). The Parish Council have stated that they feel that this

is an appropriate sum of money and is considered to be an 'appropriate contribution' and satisfies officers that the additional dwellings are acceptable. The Development Brief would not secure this sum however, and would be for a Section 106 agreement with a future planning application to secure the payment.

- 3.4 The Parish Council and many residents within the village are extremely keen for the village to retain its GP Surgery and the draft Development Brief allocates a site for a new GP surgery.
- 3.5 The draft Development Brief also sets out:
- (a) access and new car parking arrangements for the proposed new doctors' surgery, parents for the school and the village hall;
 - (b) in detail a walking route away from adjacent Weston Fen Site of Special Scientific Interest (SSSI), which is a component of Waveney and Little Ouse Valley Fens Special Area of Conservation (SAC);
 - (c) Sustainable Urban Drainage principles which will be used to ensure the volume of water entering the SAC is not likely to change and the quality of water leaving the site is still at acceptable standards;
 - (d) how the scheme results in the loss of playing field/ public open space; however the scheme proposes a new significantly larger playing field very close to the existing provision which more than adequately replaces the loss of the existing playing field and creates additional open space which more than serves the proposed residential scheme; and
 - (e) areas where strategic landscaping is necessary.
- 3.6 The adopted policy states that a new scheme should allow for the potential expansion of the primary school. This scheme does not do that. However, Suffolk County Council at the time of the drafting of the Rural Vision 2031 considered that necessary and that position has now changed. The County Council have confirmed that they do not object to the school not being able to expand as shown in the draft Development Brief.
- 3.7 The Development Brief Statement of Community Involvement was attached as [Appendix B to Report No: SDW/SE/15/012](#). Officers are satisfied that the draft Development Brief has broadly been prepared in accordance with the Vision 2031 Development Plan document, Core Strategy Development Plan Document and the Council's Protocol for Preparing Development Briefs.
- 3.8 Hopton is located in the Borough's Barningham Ward and the County Council's Blackthorpe Division. Both the respective Ward Member and the County Councillor have expressed support for the content of the Development Brief.

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