

# **St Edmundsbury Borough Council**

## **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 Assistant Director (Planning and Regulatory) (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 Assistant Director (Planning and Regulatory) 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 Assistant Director (Planning and Regulatory) following consultation with the Delegation Panel.
- (2) A Members' Delegation Panel Scheme (known as "the Panel") has been set up to deal with applications for Planning Permissions, Listed Building Consents and Conservation Area Consents. The Panel is intended to deal with the items which would normally be dealt with under delegated authority but where there is a contrary view from the Town/Parish Council or where the Ward Member has requested that the application be referred to the Panel for a planning reason. This will apply in cases including (but not limited to) 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 and TPO applications.

In cases referred to above, 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 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) or adjacent Ward Member with the approval of the Ward Member(s) who has/have expressed any interest in writing, at least four 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).
  - (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. Any Member may attend the Panel as an observer.
  - (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 as to whether the application will be determined at Development Control Committee or by delegated authority will be made by the Assistant Director (Planning and Regulatory) 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 two 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 (without imposing limitations on the ability to sub-delegate these functions in accordance with the Scheme of Delegation to Officers) 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 The Committee will comprise up to 17 Members of the Authority.
- 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. It will be appointed annually by the full Council and will be politically balanced in so far as is reasonably practicable.
- 2.2 Members appointed to the Committee will:
- (a) be able to provide a sufficient, competent<sup>1</sup> pool capable of carrying out the Committee's programme of work and anticipated number of Sub-Committee hearings for the forthcoming year, as set out in Section 3 below.
  - (b) make themselves available to participate in the work of the Licensing Authority.
  - (c) be required to undertake mandatory training on the functions and responsibilities of the Committee and its Sub-Committees in order that legislative and/or local pay policy requirements are appropriately applied. Attendance at events or delivered by other means of all updates on relevant laws will be required.
- 2.3 The Committee will appoint its own Chairman and Vice-Chairman/Chairmen.
- 2.3.1 Chairmen will:
- (a) be elected with full understanding of their procedural responsibilities, in accordance with the principles set out in paragraph 5.2 of Article 5 of the Constitution.
  - (b) be responsible for Member-to-Member engagement, in particular between the Committee and the respective Portfolio Holder.

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<sup>1</sup> 'Competent' is defined as having the necessary ability, knowledge and skills required to carry out the work of the Committee and its Sub-Committees. Members and Substitutes of the Committee will be declared 'competent' following successful achievement of the required training set out in the Council's mandatory training package.

- (c) lead on other Member-related duties including the appointment of Members of the Committee and non-voting co-optees to Task and Finish Groups.
- 2.4 The Committee will meet on an annual basis in accordance with a schedule of ordinary meetings approved by the Council to:
  - (a) set relevant fees and charges.
  - (b) confirm how the Committee will carry out the core legal functions of the Licensing Authority.
  - (c) agree an allocation of Committee Members to participate in the development of policies on the policy work programme.
- 2.5 With the agreement of the Chairman (or the Vice-Chairman in the absence of the Chairman) and relevant Portfolio Holder, extraordinary meetings of the Committee may also be called as substantive business dictates. Sub-Committee meetings are also scheduled as and when required.

### **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 following successful completion of 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 below.
- 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 below.
- 3.5 Applications made in respect of Sex Establishments will be brought before the Committee or a Sub-Committee in accordance with the Schedule of Delegated Authority 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.

<b>Matter to be dealt with</b>	<b>Licensing and Regulatory Sub Committee</b>	<b>Officers</b>
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

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

<b>GAMBLING ACT 2005</b> <b>Summary of permitted licensing authority delegations</b> <b>(x indicates the lowest level to which decisions can be delegated)</b>			
<b>Matter to be dealt with</b>	<b>Full Committee</b>	<b>Sub Committee</b>	<b>Officers</b>
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	

**TABLE: B3****Sex Establishments: Schedule of Delegated Authority**

<b>Matter to be dealt with</b>	<b>Sub Committee* (see note below)</b>	<b>Officers</b>
Grant (First or New) of an Application for the grant of any type of Sex Establishment Licence.	If a relevant objection received or Officers have concerns in respect of the application or characteristics of the locality.	All other cases
Decision on whether an objection is frivolous or vexatious.		In respect of all Applications
Decision on whether an objection is irrelevant.		All cases
Application for Waiver of Licence in respect of any type of Sex Establishment Licence.	All cases	
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being under the age of 18.		All cases
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being a person who is for the time being disqualified from holding a licence following revocation of such a licence.		All cases
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of 6 months immediately preceding the date when the application was made.		All cases
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being a body corporate which is not incorporated in an EEA state.		All cases
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being a person who had, within a period of 12		All cases

<b>Matter to be dealt with</b>	<b>Sub Committee* (see note below)</b>	<b>Officers</b>
months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.		
Refusal of an Application for the grant, renewal or transfer of any type of Sex Establishment Licence on the grounds that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.	All cases	
Refusal of an Application for the grant, renewal or transfer of any type of Sex Establishment Licence on the grounds that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewed or transfer of such a licence if he made the application himself.	All cases	
Refusal of an Application for the grant or renewal of any type of Sex Establishment Licence on the grounds that the number of sex establishments or of sex establishments of a particular kind, in the relevant locality at the time the application is made (determined) is equal to or exceeds the number which the authority consider is appropriate for that locality.	All cases	
Refusal of an Application for the grant or renewal of any type of Sex Establishment Licence on the grounds that the grant or renewal of the licence would be inappropriate, having regard – (i) to the character of the relevant locality; or (ii) to the use to which any premises in the vicinity are put; or (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.	All cases	
Refusal of an Application for the Variation of the terms, conditions or restrictions on	All cases	

<b>Matter to be dealt with</b>	<b>Sub Committee* (see note below)</b>	<b>Officers</b>
or subject to which the licence is held for any type of Sex Establishment Licence.		
Revocation of a licence.	All cases	

*\*Although matters will normally be referred to a Sub-Committee for determination, they may be referred to the full Committee at the discretion of the Business Regulation and Licensing Manager, after consultation with the Chairman and Vice-Chairman/men*

### **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 below 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 below)
- 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 below

**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 below);

*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 below:

- 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"> <li>• <i>Conversion of premises licence or club premises certificate</i></li> <li>• <i>Variation of new premises licence or new club premises certificate</i></li> </ul>	<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 below.

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**

	<b>Provision under which hearing may be held</b>  <b>Column 1</b> <b>NB: References are to sections of the Licensing Act 2003</b>	<b>Period of time within which hearing must be take place</b>  <b>Column 2</b>	<b>Period of Notice that to be given about the Hearing</b> <b>Column 3</b>	<b>Persons to whom notice of hearing will be given</b>  <b>Column 4</b>	<b>Documents to accompany notice of hearing (if any)</b>  <b>Column 5</b>	<b>The period of time within which a party to hearing must confirm whether or not they intend to appear</b> <b>Column 6</b>
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	5 working days commencing day	10 working	The person who has made the application	The notice given by the Police	5 working days before day on

	<b>Provision under which hearing may be held</b>  <b>Column 1</b> <b>NB: References are to sections of the Licensing Act 2003</b>	<b>Period of time within which hearing must be take place</b>  <b>Column 2</b>	<b>Period of Notice that to be given about the Hearing</b> <b>Column 3</b>	<b>Persons to whom notice of hearing will be given</b>  <b>Column 4</b>	<b>Documents to accompany notice of hearing (if any)</b>  <b>Column 5</b>	<b>The period of time within which a party to hearing must confirm whether or not they intend to appear</b> <b>Column 6</b>
	transfer of premises licence)	after period within which police may object	days	Police		which hearing is held
				The holder of the premises licences	The notice given by the Police	
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	The notice given by the Police	1 working day before day on which hearing is held
				Police		
7	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		

	<b>Provision under which hearing may be held</b>  <b>Column 1</b> <b>NB: References are to sections of the Licensing Act 2003</b>	<b>Period of time within which hearing must be take place</b>  <b>Column 2</b>	<b>Period of Notice that to be given about the Hearing</b> <b>Column 3</b>	<b>Persons to whom notice of hearing will be given</b>  <b>Column 4</b>	<b>Documents to accompany notice of hearing (if any)</b>  <b>Column 5</b>	<b>The period of time within which a party to hearing must confirm whether or not they intend to appear</b> <b>Column 6</b>
10	Section 88(2) (Determination of application for review of club premises certificate)	20 working days commencing day after period of consultation ends	10 working days	<div>The Club which holds the club premises certificate</div> <div>Persons who have made relevant representations</div> <div>Person who asked for the review</div>	<div>The relevant representations that have been made</div> <div></div> <div></div>	5 working days before day on which hearing is held
11	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	<div>The premises user</div> <div>Police</div>		1 working day before day on which hearing is held
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	<div>The person who has made the application</div> <div>Police</div>	<div>The notice given by the Police</div> <div></div>	5 working days before day on which hearing is held
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	<div>The person who has made the application</div> <div>Police</div>	<div>The notice given by the Police</div> <div></div>	5 working days before day on which hearing is held
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	<div>The holder of the personal licence</div> <div>Police</div>	<div>The notice given by the Police</div> <div></div>	5 working days before day on which hearing is held



	<b>Provision under which hearing may be held</b>  <b>Column 1</b> <b>NB: References are to sections of the Licensing Act 2003</b>	<b>Period of time within which hearing must be take place</b>  <b>Column 2</b>	<b>Period of Notice that to be given about the Hearing</b> <b>Column 3</b>	<b>Persons to whom notice of hearing will be given</b>  <b>Column 4</b>	<b>Documents to accompany notice of hearing (if any)</b>  <b>Column 5</b>	<b>The period of time within which a party to hearing must confirm whether or not they intend to appear</b> <b>Column 6</b>
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 held
				Persons who have made relevant representations		
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		2 working days before day on which hearing is held
				Police		
17	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		2 working days before day on which hearing is held
				Police		
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		2 working days before day on which hearing is held
				Police		

**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 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.

*(\*Note: This meeting is not governed by the normal Access to Information rules (The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012) in the Council. Therefore these meetings are not open to attendance by the public).*

#### **C.5 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 'Employers' Side' and four Substitutes shall be permitted from the 'Employees' Side' to provide a total of six full Members and four 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 (eg. 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.

*(\*Note: This meeting is not governed by the normal Access to Information rules (The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012) in the Council. Therefore these meetings are not open to attendance by the public).*

## **C.6 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.7 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 of 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.*

## **Committees/Sub-Committees/Working Parties**

### **C.8 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.9 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

- (a) To make a nominations direct to the Council regarding the selection of the Mayor and Deputy Mayor of the Borough.
- (b) To consider matters associated with the guidance set out in the Mayoralty Protocol contained in the Constitution.

## **C.10 Treasury Management Sub-Committee**

1. **Remit**

- 1.1 The Treasury Management Sub-Committee will undertake the enhanced monitoring and scrutiny requirements of the revised Chartered Institute of Public Finance and Accountancy and will be responsible to the Committee for:-

- (1) the Council's responses to changes in statutory and regulatory requirements and guidance;
- (2) the annual Treasury Management and Investment Strategy;
- (3) on-going revisions to treasury management strategies and policies;
- (4) the mid year treasury management review;
- (5) reports on treasury management performance; and
- (6) the annual report on treasury management performance, including the effects of the decisions taken and the transactions executed in the past year, and on the circumstances of any non-compliance with the Council's treasury management policy statements.

## **2. Membership and Meeting Arrangements**

- 2.1 The Treasury Management Sub-Committee will comprise three Members and one substitute Member of the Performance and Audit Scrutiny Committee and is politically balanced.
- 2.2 There will be one non-voting invitee, which will normally be the Portfolio Holder with responsibility for finance.
- 2.3 The Sub-Committee will be appointed annually by the Performance and Audit Scrutiny Committee (or full Council), and will appoint its own Chairman.
- 2.4 The Sub-Committee will meet at least three times each year, although meetings may be cancelled due to lack of business. Special meetings of the Sub-Committee may also be called as necessary.
- 2.5 In order to help streamline the comprehensive treasury management reporting requirements of the CIPFA Code, where possible meetings will be held to coincide with existing reporting requirements.

### **C.11 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.