

# West Suffolk Council

## Section 2 - Responsibility for Council (Non-Executive) Functions

- 1.1 The following parts set out how the Council has chosen to delegate responsibility for its Local Choice and non-executive functions.
- 1.2 The Scheme of Delegation operates on the principle that Officers are generally delegated to exercise functions of the Council that fall within their area of responsibility, unless the matter should properly be determined by Councillors in line with the Constitution.
- 1.3 For clarity, unless the Constitution (inclusive of this Section) states that a matter should be determined by Committee or Council, any matters that fall within the scope of the below shall be determined by Officers:
  - Any matters listed within Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
  - Any matters listed within Schedule 2 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 that the Council has determined should not be executive functions
  - Any other matters which by law, should not be executive functions
- 1.3 An Officer's area of responsibility shall be defined through reference to their job description, any delegations that have been made specifically to them by the Council, or any Committee or Sub-Committee of the Council, the Chief Executive, or any sub-delegations made to them as recorded in a register maintained by the Monitoring Officer.
- 1.4 The relevant Director must authorise any sub-delegations within their relevant service areas, which must also be notified to the Monitoring Officer.
- 1.5 Every Committee appointed by the Council to discharge functions 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.
- 1.6 Any Committee or Sub-Committee may, within its delegated authority, set up Working Parties or Panels for the detailed study of any matter. Working Parties or Panels are not subject to the Rules of Debate or Access to Information Procedure Rules.
- 1.7 Any Working Party/Panel given delegated (decision making) authority will become a Sub-Committee and be subject to both the Rules of Debate and Access to Information Procedure Rules.

## **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, 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), that are not otherwise delegated to Officers.

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 Responsibility for Local Choice Functions) that are not otherwise delegated to Officers.

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 matters falling within their remit which are:
  - (a) Judged by the Director (Growth and Planning) (after consultation with the Chair and/or the Vice Chair(s) 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.
  - (b) Applications proposing major development (as defined in Article 1(2) of the Town and Country Planning (General Development Procedure) Order 1995) (as amended) where a Member for the Ward in which the application site is located has requested (in writing) consideration by the Committee.
  - (c) Applications proposing other than major development (as defined above) referred by the Director (Growth and Planning) following consultation with the Delegation Panel.
  - (d) Departures from the provisions of the Development Plan where planning permission is recommended for approval.
  - (e) Applications made by or on behalf of the Council.
- (2) A Members' Delegation Panel Scheme (known as "the Panel") has been set up to advise on the level of decision with applications for

Planning Permissions. 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. Where a contrary view has been expressed the Delegation Panel advise whether the decision remains as delegated or whether the application should be referred to Committee for a decision. This will apply in cases including (but not limited to) applications from householders, advertisement 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) (as amended), applications for a variation of conditions, applications relating to hazardous substances and TPO applications/confirmations (where objections have been received).

- (3) The Panel to also advise on the level of decision of an application, in the first instance, for planning permissions on behalf of, or closely related to, an elected Member or Officer of the Council, where there are no contrary views from statutory consultees, Parish/Town Councils and third parties. The Panel will also advise where a Member of the Development Control Committee has requested, in writing, that the application should be considered by the Committee, but the local Ward Member(s) has/have not.
- (4) In cases referred to above, decisions will only be taken following consultation with the Panel which will comprise the Chair and/or Vice Chair(s) of the Development Control Committee. The Panel will have regard to the views of the local Ward Member(s) who has/have made representations in writing or at the meeting.

The Panel scheme will operate as follows:

- (a) Meeting of the Panel will normally take place fortnightly. Additional meetings of the Panel can be arranged if deemed necessary. For clarity, meetings can take place virtually and attendance shall include remote attendance, where the Member can see and/or hear proceedings.
- (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 Chair and Vice Chair(s) of the Development Control Committee and any local Member(s) or adjacent Ward Member with the approval of the Ward Member(s) who has/have made representations in writing, at least two clear working days in advance of the Panel meeting, with provision for emergency items at the discretion of the Chair or Vice Chair(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 other Member may attend the Panel as an observer, at the Chair's discretion.

- (d) Following discussion and views expressed at the Delegation Panel meeting, the Director (Growth and Planning) will make the decision on whether the application should be determined by Officers, or the matter will be referred to the Development Control Committee. If there is no clear consensus of views expressed, the application will be reported to the Development Control Committee.
- (e) The relevant Parish/Town Council will be informed of the decision by the Council's Case Officer and will be sent written reasons within 10 working days of the Panel meeting, with copies to the Chair, Vice Chair(s) of the Development Control Committee and local Member(s).
- (f) For the avoidance of doubt, Officers will determine all matters within the remit of the Development Control Committee that:
  - i) Do not meet the criteria for referral directly to the Development Control Committee.
  - ii) Do not meet the criteria for referral for consideration by the Delegation Panel.
  - iii) Are reviewed by the Delegation Panel but are not referred to the Development Control Committee

## **2 – Membership and meeting arrangements**

- 2.1 The Committee will comprise up to 16 Members of the Authority.
- 2.2 The Committee will usually be appointed annually by the Council and will be politically balanced. In the event that the Council's Annual Meeting is cancelled, deferred or delayed, the Committee shall continue to serve until they are re-appointed by the Council.
- 2.3 The Committee will appoint its own Chair and up to two Vice-Chair(s).
- 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 and Extraordinary 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 is not a departure from Development Plans and adopted District and County Planning Policies.
  - (b) Statutory consultations being carried out in accordance with the Statement of Community Involvement; 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 in Part 1, paragraphs (1) (a) to (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. An adjacent Ward Member may act on behalf of and with the approval of the Ward Member(s).

## **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, other than those matters that are delegated to officers to determine.

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.

### **2 – Membership and meeting arrangements**

2.1 The Committee will comprise up to 15 Members. It will usually be appointed annually by the full Council and will be politically balanced in so far as is reasonably practicable. In the event that the Council’s Annual Meeting is cancelled, deferred or delayed, the Committee shall continue to serve until they are re-appointed by the Council.

2.2 Members appointed to the Committee must:

- (a) Be 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) Undertake the mandatory training requirements, as set out in Part 5 of the Constitution – West Suffolk Licensing Code of Practice (Knowledge and Training).

Members failing to undertake the mandatory training requirements will be unable to sit on the Committee.

- (d) Be expected to act in accordance with the West Suffolk Licensing Code of Practice (as set out in Section 5 of the Council’s Constitution).

2.3 The Committee will appoint its own Chair and Vice-Chair.

2.3.1 The Chair will:

- (a) Be elected and it will be their responsibility to make themselves aware of the full understanding of their procedural responsibilities, in accordance with the principles

set out in paragraph 5.2 of Article 5 (Chairing the Council) of the Constitution.

- (b) Be responsible for Member-to-Member engagement, in particular between the Committee and the respective Portfolio Holder.
- (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 ordinarily be expected to meet up to four times each year and whilst it would be expected for these meetings to take place quarterly, meetings may be re-arranged in accordance with the Committee's work programme.

The substantive responsibilities of the Committee will be to:

- (a) Set the fares charged by taxis licensed throughout the District.
- (b) Confirm how the Committee will carry out the core legal functions of the Licensing Authority.
- (c) Act as a consultee on policies relevant to the remit of the Committee, where appropriate
- (d) To consider and make Public Path Orders where, following the usual informal consultation, there are objections that cannot be resolved.

2.5 With the agreement of the Chair (or the Vice-Chair in the absence of the Chair) 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 As set out in this responsibility for Council functions, it is assumed that any non-development control regulatory functions would be delegated to Officers unless they must be referred to the Committee.
- 3.2 In normal circumstances, matters will only be brought before the Committee or a Sub-Committee where it is deemed appropriate or it is an appeal against an Officer's decision. In such cases, the Director (HR, Governance and Regulatory) shall consult with the Chair and Vice-Chair, or a trained member of the Licensing and Regulatory Committee where the Chair or Vice-chair are unavailable, on whether they consider it appropriate to refer the matter to the Committee or Sub-Committee, or whether the matter should be delegated for Officers to determine. The Chair and Vice-Chair (or trained member of the Committee if required) should be

informed of any representations received in respect of the matter, including any local Member views received.

- 3.3 If the Director (HR, Governance and Regulatory), following consultation with the Chair and Vice-Chair (or a trained member of the Licensing and Regulatory Committee, where the Chair or Vice-Chair are unavailable), consider that beyond reasonable doubt the outcome of the Sub-Committee would be the application or appeal would be refused, then the matter should normally be determined by Officers.
- 3.4 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. Where the Sub-Committee is considering the licensing of a specific premises, the Ward Member(s) in which the premises lies should not sit on the Sub-Committee.
- 3.5 Democratic Services will seek Members to sit on Sub-Committees with a view to achieving political balance as far as is practicable across the municipal year. All Members of the Committee should be given equal opportunities to sit on Sub-Committees following successful completion of the relevant training
- 3.6 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.
- 3.7 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.
- 3.8 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 and Sub-Committees will be conducted in accordance with the Committee Procedure Rules, except when the Committee or Sub-Committees 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

<b>Matter to be dealt with</b>	<b>Licensing and Regulatory Sub Committee</b>	<b>Officers</b>
Consideration of applications for off-sales review including interim measures and appeals against interim measures	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 (as a consultee)		
Policy not to permit casinos	X (as a consultee)		
Fee Setting (when appropriate)			x
Application for premises licences		Where representations have been made (and not withdrawn)	Where no representations have been received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been made (and not withdrawn)	Where no representations have been received/ representations have been withdrawn
Application for transfer of a licence		Where representations have been made (and not withdrawn)	Where no representations have been received/ representations have been withdrawn
Application for a provisional statement		Where representations have been made (and not withdrawn)	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) Or The Authority propose to attach a condition to the licence under Section 169(1)(b), a condition that would otherwise be attached to the licence under Section 168	Where no objections have been made/ objections have been withdrawn Or With the consent of the applicant and any interested party or responsible authority Or If the Local Authority think the representations are vexatious, frivolous or will not influence the Authority's determination of the application

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	

<b>Matter to be dealt with</b>	<b>Sub Committee* (see note below)</b>	<b>Officers</b>
Refusal of an Application for the Variation of the terms, conditions or restrictions on or subject to which the licence is held for any type of Sex Establishment Licence.	All cases	
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 Chair and Vice-Chair*

### 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.

## **16. Place of Meetings**

Any reference in these procedures to a meeting, place of meeting or attendance at a meeting in respect of hearings held under the Licensing Act 2003, may include reference to electronic, digital or virtual meetings, where those present are able to see and/or hear and contribute to proceedings by virtual means.

The Council shall provide reasonable assistance to any party attending the meeting virtually. Where a party cannot attend a meeting by virtue of it being held virtually, the Council shall allow written representations to be submitted in place of an oral statement.

Where a meeting takes place virtually, any representations in writing, whether before or at the meeting, must be circulated to the Democratic Services Officer who shall provide electronic copies to the members of the hearing.

**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)	5 working days commencing day		The person who has made the application	The notice given by the Police	5 working days before day on

**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>
	(Determination of application for transfer of premises licence)	after period within which police may object	10 working days	Police The holder of the premises licences	 The notice given by the Police	which hearing is 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
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 Person who have made relevant representations Person who asked for the review	The relevant representations that have been made	5 working days before day on which hearing is held
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 Persons who have made relevant representations	The relevant representations that have been made	5 working days before day on which hearing is held
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 Persons who have made relevant representations	The relevant representations that have been made	5 working days before day on which hearing is held



**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>
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	The Club which holds the club premises certificate	The relevant representations that have been made	5 working days before day on which hearing is held
				Persons who have made relevant representations		
				Person who asked for the review		
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	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		

**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>
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		
19	Section 172G(1) (Application for Expedited off-sales review of premises licence)	Within 28 days of receipt of application	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, including the responsible authority	Details of interim steps taken	

	<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>	Documents to accompany notice of hearing (if any)  <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>
20	Section 172H(7) (Representations against interim steps taken by licensing authority in respect of off-sales review of premises licence)	48 hours of receipt of representations (excl. non-working days)	24 hours (excl. non-working days)	The holder of the premises licence  The responsible authority that submitted the application	Relevant representations made by the premises holder and the responsible authority  Details of interim steps taken	1 hour prior to the hearing being held

**LICENSING ACT 2003 – HEARING PROCEDURE**

**Pre-Hearing Matters**

1. Declaration of Interests
2. The Chair will introduce members of the Hearing Panel
3. The Chair 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 Chair will ask all parties to the Hearing whether they wish to withdraw their application or representation.
5. The Chair 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 Chair 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 Chair's opinion render it necessary and appropriate for the said material to be presented to the Hearing Panel. In this regard the Chair's decision will be final.
6. The Chair 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. The Chair 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 Chair 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 Chair, and only through the Chair of the Hearing, each party may raise questions of any other party or witness/witnesses.
  - Where a party was unable to attend by virtue of it being held virtually, the Chair shall request the Democratic Services Officer to read any written submissions received in place of an oral statement.
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 Chair 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 five 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 five working days after the Hearing date.
7. In the event of the Licensing Authority making its determination at the conclusion of the Hearing the Chair 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 (Scrutiny Committees) and in the Scrutiny Committees Procedure Rules set out in Part 4 of this Constitution.

### **Joint Committees / Committees / Panels / Sub-Committees / Working Parties/Groups:**

#### **Joint Committee**

#### **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

## **Committees**

### **C.2 Officer Appeals Committee**

1. Membership and Meeting Arrangements
  - 1.1 Membership of the Committee will comprise six Members. In addition, two Substitute Members will be appointed.
  - 1.2 The Committee will be appointed annually by the Council and will be politically balanced. In the event that the Council's Annual Meeting is cancelled, deferred or delayed, the Committee shall continue to serve until they are re-appointed by the Council.
  - 1.3 Any Member of the Council may serve on the Committee provided that they are not also a Member of the Officer Appointments Committee.
  - 1.4 The Committee will appoint its own Chair and Vice Chair.
  - 1.5 The Committee will meet on an ad hoc basis as required.
2. Functions/Remit
  - 2.1 To consider appeals against dismissal and grievances by Chief Officers of the West Suffolk Council.

### **C.3 Officer Appointments Committee**

1. Membership and Meeting Arrangements
  - 1.1 Membership of the Committee shall comprise:
    - a) Six Members of the Authority.



- b) The Council's Independent Persons, if they agree to be part of the Committee, when the Committee is considering dismissal of the s151 Officer or Monitoring Officer.
- 1.2 In addition, two substitute Members of the authority will be appointed.
- 1.3 The Committee will be appointed annually by the Council and will be politically balanced. If the Council's Annual Meeting is cancelled, deferred or delayed, the Committee shall continue to serve until they are re-appointed by the Council.
- 1.4 Any Member of the Council may serve on the Committee provided that they are not also a Member of the Officer Appeals Committee.
- 1.5 The Committee's membership must include at least one Member of the Cabinet.
- 1.6 The Committee will appoint its own Chair and Vice Chair.
- 1.7 The Committee will meet on an ad hoc basis as required.
- 1.8 Voting will be undertaken by a show of hands. All Members of the Committee, including the Independent Persons, shall have equal voting rights.
- 2. Functions/Remit
  - 2.1 To deal with the appointment, discipline and termination of employment of the Head of Paid Service and Strategic Directors of the West Suffolk Council in accordance with the Officer Employment Procedure Rules.
  - 2.2 Where the Committee is considering dismissal of the Head of Paid Service, they are obligated to consider the views and findings of the Independent Panel.

#### **C.4 Independent Panel**

- 1. Membership and Meeting Arrangements
  - 1.1 Membership shall consist of the Council's at least two Independent Persons appointed for the purpose of s.28(7) of the Localism Act 2011.
  - 1.2 If the Independent Persons appointed by West Suffolk Council are unable to participate, then any Independent Person appointed by any other Council for the purpose of s.28(7) of the Localism Act 2011 shall be invited to join the Panel so that it comprises of at least two Independent Persons.

1.3 The Panel should meet on an ad-hoc basis as required and may elect to undertake its meetings in a manner it considers appropriate for the discharging of its functions.

2. Function/Remit

2.1 The function of the Independent Panel shall be to consider dismissal proceedings against the Head of Paid Service. They shall be obligated to consider the findings of an investigator and reach a conclusion on the matters raised. Their conclusions shall be reported to the Officer Appointments Committee.

**C.5 West Suffolk Standards Committee**

1. Membership and Meeting Arrangements

Membership of the Committee will comprise six Members and will be politically balanced. In the event that the Council's Annual Meeting is cancelled, deferred or delayed, the Committee shall continue to serve until they are re-appointed by the Council.

2. Functions/Remit

The Committee will have the following roles and functions:-

- (a) Promoting and maintaining high standards of conduct by Councillors and co-opted Members.
- (b) Assisting Councillors and co-opted Members to observe the Members' Code of Conduct.
- (c) Advising the Council on the adoption and revision of the Members' Code of Conduct.
- (d) Monitoring the operation of the Members' Code of Conduct.
- (e) Advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct.
- (f) Granting dispensations to Councillors and co-opted Members from requirements relating to interests set out in Section 34 of the Localism Act 2011. Where there is insufficient time to call a meeting of the West Suffolk Standards Committee, the Monitoring Officer, in consultation with the Chair and Vice Chair of the West Suffolk Standards Committee, may grant dispensations to Councillors and Co-opted Members from the requirements relating to interests in accordance with Section 33 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 West Suffolk Council.

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

## **Sub-Committee**

### **C.6 Financial Resilience Sub-Committee**

#### **1. Remit**

- 1.1 The Financial Resilience Sub-Committee will undertake the enhanced monitoring and scrutiny of the Council's financial resilience, and will be responsible to the Performance and Audit Committee for:-
- (1) The Council's responses to changes in statutory and regulatory requirements and guidance related to treasury management, capital financing and financial resilience.
  - (2) Examining and recommending Annual Treasury Management and Investment Strategy.
  - (3) On-going revisions to treasury management strategies and policies.
  - (4) The mid-year treasury management review.
  - (5) Receiving reports on treasury management performance.
  - (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.
  - (7) Examining ongoing compliance with any statutory and non-statutory guidance or measures relating to financial resilience.

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

- 2.1 The Sub-Committee will comprise three Members and one substitute Member of the Performance and Audit Scrutiny Committee, which desirably reflects the political balance of the Council, as far as practically possible.
- 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 Council) and will appoint its own Chair.
- 2.4 The Sub-Committee will meet at least three times each year, although meetings may be cancelled by the Chair 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.

*(\*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).*

## **Panels**

### **C.7 Staff Consultative Panel**

#### **1. Overview**

- 1.1 The Panel's membership will be drawn from Councillors and staff of the Council. 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 the Council's staffing arrangements and provide a regular forum to secure the largest measure of agreement between the Council as an employer and Trade Union employees regarding matters directly affecting employment by the Council
- 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 Cabinet about policies and actions required to develop and maintain effective employee/employer arrangements.

#### **2. Constitution**

- 2.1 The Panel shall comprise 12 Members, to be comprised of six Councillors, which desirably reflects the political balance of the Council, as far as practically possible, to be the 'Employers' Side' and six members of staff from the Council 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 Authority 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 Council 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 on the 'Employers' Side' and two substitutes shall be permitted from the 'Employees' Side'.
- 2.6 It shall be the duty of a senior Human Resource Officer to attend and advise the Panel on behalf of the Head of Paid Service or their designated nominee.
- 2.7 The Panel shall elect a Chair and Vice-Chair from its Members. When the Chair is a Member of one Side of the Panel, the Vice-Chair shall be a Member of the other Side. The Chair of the Panel shall be rotated on an annual basis between the Employees' and Employers' Side. The Chair 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 Chair and Vice Chair.

### **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 Council, 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, including acting as a focus for employee participation in the promotion of health and safety at work, the prevention of accidents and incidents and the avoidance of work related ill health.
  - (g) Personnel procedures including recruitment, sickness, discipline and handling of grievances and redundancies.
  - (h) Training and development of employees.
  - (i) Equality issues; and
  - (j) Any issue referred to the Panel by the Cabinet.
- 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 Panel shall be in accordance with the voting arrangements set out in paragraph 5.3 below and shall be subject to the approval of the Cabinet, as provided for by the Council's Scheme of Delegation.

#### **5. Arrangements and Procedures**

- 5.1 Meetings shall normally be held quarterly but, exceptionally, the Chair 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 the Council Offices or as agreed by the Panel.
- 5.2 The quorum for the Panel shall be four, comprising at least two Employee representatives and two Members.
- 5.3 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.
- 5.4 The report from the Panel to the respective Cabinet shall be by way of presentation of the minutes or by way of a brief report in a format agreed by the Cabinet.
- 5.5 If the Panel is unable to agree and no local settlement can be achieved, the matter may be referred by either side to 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.8 West Suffolk Independent Remuneration Panel**

### **1. The work of the panel**

- 1.1 The Independent Remuneration Panel is convened to make recommendations to West Suffolk Council on its Scheme of Members' Allowances and Expenses.
- 1.2 The Remuneration Panel will be required to make recommendations for the formation of a new scheme for West Suffolk, and subsequently review the scheme agreed by the Council to ensure that it remains consistent, fair and relevant.
- 1.3 The Panel's recommendations should encompass:
  - a. The rates of basic allowance that should be payable by the Council to all of its Members.
  - b. The rates of allowances payable to those Members who have special responsibilities within the Council.
  - c. The rates of travel, subsistence and other allowances payable to Councillors when discharging their duties, to include payments made in respect of child and dependent caring duties.
  - d. The rates that should be payable to any co-opted Members of the Council, if appointed.
  - e. The frequency with which the rates should be reviewed or adjusted.
  - f. Any other matters that the Panel deem to be appropriate.
- 1.4 In undertaking their work, the Panel should be mindful of:
  - a. Any relevant legislation, including in relation to the payment of allowances and taxation.
  - b. Any relevant guidance issued by government departments or advisory bodies.
  - c. The need to respect the expectations of the general public in the payment of allowances.
  - d. The need to ensure that appropriate analysis and research is undertaken to ensure their recommendations are robust and evidence-based.
  - e. The need to ensure that the level of allowances is affordable to the Council.
  - f. The expectations placed on councillors, and the workloads and commitments generated as a result.
  - g. The need to ensure that councillors have the opportunity to put forward their views on levels of remuneration.

### **2. Membership of the Panel**

- 2.1 The panel shall serve a term of office for up to four years which shall be subject to an annual review. After four years a formal

recruitment process shall be undertaken, with further appointments to be made for a term of no longer than four years. Panel members may seek re-appointment to the Panel.

- 2.2 The panel shall be made up of a minimum of three members appointed by a selection process to be agreed by the Council. The Council may also appoint advisors to the panel, who will not be voting members.
- 2.3 The members of the panel and advisors shall receive an allowance of £100 per meeting attended, plus travelling expenses of up to 45p per mile. Members of the panel and advisors may elect to waive their allowances and shall not be treated as employees, being responsible for their own tax, National Insurance and pension arrangements.
- 2.4 The Council shall have the right to remove members of the panel and advisors where they no longer meet the required criteria as established by the Council; commit a breach of confidentiality; persistently fail to attend meetings, or an act or behaviour which may otherwise bring the panel or the Council into disrepute.

### **3. Operation of the Panel**

- 3.1 The members of the panel shall elect their own Chair from amongst their members. The Chair shall be responsible for managing the business of the meeting, ensuring that meetings are conducted in an effective manner, and reach clear conclusions.
- 3.2 The panel should seek to draw consensus on their recommendations, but where they are unable to do so, minority opinions may be reflected in their subsequent recommendations and report.
- 3.3 The panel shall be supported by the Democratic Services Team of West Suffolk Council. The panel is encouraged to seek advice, seek the views of members of the Council, and undertake and commission research to support its work. The Council will support the panel by accommodating all reasonable requests for information and resources.

### **4. Advisor**

- 4.1 An advisor may be appointed, whose role will be to provide the panel with their views on matters under discussion and assist the panel in understanding the context of matters under discussion – effectively acting as a conduit between the Council officers, Council members and members of the panel. They are not a voting member of the panel and can be called on at the discretion of the panel. They will be entitled to attend panel meetings and have access to all papers and records of panel meetings.



## **5. Report and findings**

- 5.1 The Independent Remuneration Panel is required to produce recommendations for the Council, which will be articulated in reports, prepared by Council officers and agreed by the panel. These shall be presented by the Chair of the panel to the Council.

## **6. Access to meetings**

- 6.1 Panel meetings will not normally be open to the public although minutes and records of the panel will be open to public inspection.