

**TERMS OF REFERENCE FOR COMMITTEES, JOINT COMMITTEES AND
DEMOCRATIC RENEWAL WORKING PARTY**

Development Control Committee

1. Membership and Meeting Arrangements

The Committee will comprise up to 17 Members of the Authority. It will be appointed annually by the full Council and will be politically balanced.

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

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.

2. Functions/Remit

The Committee is authorised to undertake (or sub-delegate) all of the Council's regulatory functions relating to town and country planning, development control and the protection of hedgerows and trees, as specified in Parts A and I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended by SI 2001 No.2212 and any subsequent Regulations).

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 of Part 3 of the Constitution](#)).

In summary, the area of responsibility of this Committee includes all matters relating to the administration of Town and Country Planning legislation, Listed Building and Conservation Area legislation, Hazardous Substances legislation and the Building Acts and associated Regulations within the purview of the Authority as it relates to the following functions:-

- (1) The Committee determines all planning or similar applications which are:
 - (a) judged by the Head of Planning and Growth (after consultation with the Chairman and/or the Vice-Chairman/men of the Development Control Committee) to be of such district-wide significance or to be so contentious that they should in the public interest be referred to the Committee for consideration and determination, and;
 - (b) applications proposing major development (as defined in Article 1(2) of the Town and Country Planning (General Development Procedure) Order 1995) and which the recommendation of the Head of Planning and Growth would conflict with or would not substantially satisfy the written representation of the Parish/Town Council or where a Member for the ward in which the

application site is located, or who is a Member of the Council's Development Control Committee, has requested (in writing) consideration by Committee, and;

- (c) applications proposing other than major development (as defined above) referred by the Head of Planning following consultation with the Delegation Panel.
- (2) A Delegation Panel Scheme (known as "the Panel") has been set up to deal with applications for Planning Permissions, Listed Building Consents, Conservation Area Consent and Prior Notifications. This will apply in cases including applications from householders, advertised matters, applications for change of use, applications for minor residential development (as defined in Article 1(2) of the Town and Country Planning (General Development Procedure) Order 1995), applications for a variation of conditions, applications relating to hazardous substances and prior notifications in relation to agricultural, forestry and telecommunications development.

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

The Delegation Panel scheme will operate as follows:

- (a) Meeting of the Panel will normally take place monthly.
- (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 of Development Control Committee and any local Member(s) who has/have expressed any interest in writing, at least 4 clear working days in advance of the Panel meeting, with provision for emergency items at the discretion of the Chairman or Vice Chairman and Ward Member(s) or adjacent Ward Member with the approval of the Ward Member(s).
- (c) The local Member(s) may attend the Panel or submit representations in writing in order to make sure the Panel is clearly aware of their views and reasoning.
- (d) The Council's case officer(s) will present individual applications for discussion and decision, including all representations received and photographs of the site.
- (e) The formal decision will be made by the Head of Planning & Regulatory Services in consultation with the Chairman and/or Vice Chairmen and any interested local Ward Member. In the absence of a consensus between the Members the application will be reported to the Development Control Committee.

- (f) The relevant Parish/Town Council will be informed of the decision verbally by the Council's case officer within 2 working days of the Panel meeting and will be sent written reasons within 10 working days of the Panel meeting with copies to the Chairman, Vice Chairman of Development Control Committee and local Member(s).
- (3) The Committee is responsible for matters relating to:
 - (a) Development Control functions and enforcement including (but without limitation):
 - (i) The preservation of buildings and trees;
 - (ii) Controlling uses of land and buildings, including relocation of non-conforming uses, the making of discontinuance, revocation and modification orders and the making of agreements regulating the development and/or use of land or premises;
 - (iii) Determination of planning applications and commenting upon development proposals by Suffolk County Council and other public bodies;
 - (iv) Determination of planning applications made by or on behalf of the Council, whether submitted by or on behalf of the Council itself or jointly with another person;
 - (v) Determination of applications relating to signs and advertisements;
 - (vi) Enforcement by means of issue of enforcement notices, breach of condition notices, stop notices and any other lawful instrument and subsequent prosecution or legal proceedings.
 - (b) Building Control functions and enforcement, including but without limitation:
 - (i) approval of buildings and works under Building Regulations for the time being in force;
 - (ii) enforcement action including criminal, injunctive or other legal proceedings;
 - (c) To fix fees and charges for all services administered by the Committee.

3. Delegation of Functions

The majority of the Committee's functions will be determined by officers, as set out in [section 4 of Part 3 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.

Those matters which will normally fall to be determined by the Committee are as defined in the Committee's Safeguards and Consultative Procedures set out above.

Licensing and Regulatory Committee

1. Membership and Meeting Arrangements

The Committee will comprise up to 13 Members of the Authority. It will be appointed annually by the full Council and may be politically balanced.

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

The Committee and its sub-committee(s) will meet in accordance with a schedule of ordinary meetings approved by the Council, although meetings may be cancelled due to lack of business. Special meetings of the Committee may also be called.

2. Functions/Remit

The area of responsibility of this Committee includes all matters of a regulatory nature (other than those covered by the Development Control Committee), or which are required by statute to be licensed, and the hearing of certain appeals. The Committee will only hear those appeals which the Authority is required to determine; it will not take the place of any other appeals process or complaints procedure, nor will it provide a general appeal mechanism for any decision of the Authority.

Accordingly, the Committee is authorised to undertake (or sub-delegate) all of the Council's regulatory functions relating to licensing and registration, health and safety at work (for non-Council staff), public rights of way and take-away food shops, as specified in Parts B, C and I of Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended by SI 2001 No.2212 and any subsequent Regulations).

The Committee is also authorised to exercise the Council's Local Choice Functions (as specified in the [Table in Section 1 of Part 3 of the Constitution](#)) in relation to:-

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

3. Delegation of Functions

The majority of the Committee's functions will be determined by officers, as set out in [section 4 of Part 3 of the Constitution](#).

In normal circumstances, matters will only be brought before the Committee where there is a difficulty or an appeal against an officer's decision.

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

Applications made in respect of the Gambling Act 2005 will be brought before the Committee or Sub Committee in accordance with the Scheme of Delegation adopted and summarised in Table B2 below.

TABLE: B1

Licensing Act 2003: Delegation of Functions

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

Matter to be dealt with	Licensing and Regulatory Sub Committee	Officers
Application for personal licence	If a Suffolk Constabulary objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made and not withdrawn	If no relevant representation made
Application for provisional statement	If a relevant representation made and not withdrawn	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made and not withdrawn	If no relevant representation made
Application to vary designated premises supervisor	If a Suffolk Constabulary objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Suffolk Constabulary objection	All other cases
Applications for Interim Authorities	If a Suffolk Constabulary objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious		All cases
Decision to object when local authority is a consultee and not the lead authority	All cases	
Determination of a Suffolk Constabulary representation to a temporary event notice	All cases	
Determination of application for minor variation		All cases
Determination of application for licence, or variation of licence, in respect of community premises: supervision of alcohol sales	If a Suffolk Constabulary objection is made and not withdrawn	All other cases
Determination of relevance of representation		All cases
Exercise of Responsible Authority Functions of applications and notices submitted to the licensing authority under the Licensing Act 2003 (as amended by the Police and Social Responsibility Act 2011) in accordance with the regulations.		All cases

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

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

Overview and Scrutiny Committee

1. Membership and Meeting Arrangements

The Council will appoint an Overview and Scrutiny Committee of up to 16 Members, or as many as Council determines from time to time, and will be politically balanced. All Councillors, except Members of the Cabinet and full Members of the Performance and Audit Scrutiny Committee, may be Members of the Overview and Scrutiny Committee. However, no Member may be involved in scrutinising a decision in which he or she has been directly involved.

The Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees. Panels and working groups of the Committee may appoint non-voting co-optees to assist with specific reviews.

The Committee shall have meetings programmed approximately every 6 weeks (i.e. normally, there will be up to 8 ordinary meetings of the Overview and Scrutiny Committee in each year).

2. Functions/Remit

The terms of reference of the Overview and Scrutiny Committee are:-

- (a) the performance of all overview and scrutiny functions on behalf of the Council (explained in Article 7 of this Constitution) and as set out in section 9F of the Local Government Act 2000;
- (b) to receive the draft West Suffolk Annual Report from the Leaders or representative(s) of Cabinet either prior to the commencement of each financial year or at its first meeting after each Annual Council Meeting. Should major developments such as a change of Leader occur following the Annual Meeting in May resulting in a change to the Cabinet's priorities, a revised report may be re-submitted at the Committee's first meeting in the civic year;
- (c) to approve a rolling overview and scrutiny work programme, including the programme of any panels or groups it appoints, so as to ensure that the Committee's and panels' or groups' time is effectively and efficiently utilised;
- (d) to put in place a system to ensure that referrals from Overview and Scrutiny to the Cabinet, either by way of report or for reconsideration, are managed efficiently;
- (e) in the event of the volume of reports to the Cabinet creating difficulty for the management of Cabinet business or jeopardising the efficient running of Council business, at the request of the Cabinet, to make decisions about the priority of referrals made;

APPENDIX 2

- (f) to act as the crime and disorder committee for the purposes of Section 19 of the Police and Justice Act 2006 and associated regulations, and accordingly
 - (i) to scrutinise the actions undertaken by the Community Safety Partnership and the partners who comprise it, insofar as their activities relate to the Partnership itself; and
 - (ii) to make reports or recommendations to the Council and partner organisations with respect to the discharge of those functions;
- (g) to consider local crime and disorder matters in accordance with the Councillor Call for Action Protocol;
- (h) to work collaboratively, as may be appropriate, with the scrutiny function of other local authorities to fulfil the crime and disorder scrutiny function;
- (i) to advise on the development of new policy in accordance with its agreed work programme;
- (j) to advise, where appropriate, on corporate projects and strategies;
- (k) to appoint informal member panels and 'task and finish' groups to assist the work of the Committee; and
- (l) to review annually the work and Constitution of such Panels and Working Parties.

As a general principle for its work programme, wherever the subject matter is common and relevant to both Forest Heath and St Edmundsbury, the Committee will make invitations to and consider invitations from the other authority's Overview and Scrutiny Committee to carry out joint scrutiny reviews for West Suffolk.

Performance and Audit Scrutiny Committee

1. Membership and Meeting Arrangements

The Council will appoint a Performance and Audit Scrutiny Committee of up to ten Members, which will be politically balanced. All Councillors, except Members of the Cabinet and full Members of the Overview and Scrutiny Committee may be Members of the Performance and Audit Scrutiny Committee.

The Performance and Audit Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

There will be up to six ordinary meetings of the Committee each year, comprising four quarterly meetings based around a programme of performance management and risk and budget monitoring, and, as required, a meeting to approve the annual accounts, and a further meeting to scrutinise proposals for cost reductions and growth in the forward budget.

2. Functions/Remit

The terms of reference of the Performance and Audit Scrutiny Committee are:

- (i) to monitor and scrutinise the performance of the Council's services by having regard to a variety of information, including performance indicators, financial information, reports from external inspections, audit reports and monitoring of action plans;
- (ii) to consider means of improving and promoting the performance management and audit functions of the Council;
- (iii) within its terms of reference as detailed in 1.3 (i) above, and as an integral part of its role as the Council's Audit Committee, to have reference to any or all of the following areas:

(a) Integration of the Audit role

To ensure that the principles of effective audit are integrated into the work of the Performance and Audit Scrutiny Committee and the Council generally.

(b) Risk Management

To provide assurance of the effectiveness of the corporate risk assessment process and monitor the effective development and operation of risk management policies in the Council, specifically including monitoring of the Risk Management Strategy and the Corporate Risk Register.

(c) Internal Audit and Governance

To provide an effective mechanism to monitor the control environment within the authority, ensuring the highest standards of probity and public accountability by:-

- (1) reviewing and approving of the Annual Audit Plan;
- (2) challenging and follow-up of internal audit recommendations; (3) reviewing internal audit performance;
- (4) reviewing of Code of Corporate Governance and Statement of Internal Control; and
- (5) reviewing the anti-fraud and corruption controls and arrangements.

(d) Financial Statements and Annual Accounts

To provide scrutiny of the authority's financial performance by scrutinising the:-

- (1) Budget Monitoring Reports;
- (2) Capital Programme Audited Accounts; and
- (3) any proposals for cost reductions or growth in the forward budget.

(e) External Audit

To maintain and develop a trusting and professional relationship with the Council's external auditors and ensure any issues arising from inspection are dealt with.

- (1) Annual audit and Inspection Plan and any resulting reports;
- (2) Annual Audit Letter; and
- (3) Statement of Auditing Standard (SAS) 610 Communications.

(f) Procurement

Formal reporting of procurement issues;

- (iv) to receive an annual work programme based around a quarterly performance management and risk and budget monitoring cycle; and
- (v) to approve the Annual Statement of Accounts each year in good time to meet the statutory deadline for adoption.

It is not within the terms of reference of this Committee to carry out reviews, or to set up panels, although the Committee may from time to time carry out initial investigation into or scoping of an issue, which may lead to recommendations for further work by the appropriate scrutiny committee or Cabinet.

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.

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.

Mayoral Advisory Committee

1. Membership and Meeting Arrangements

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

Any Member of the Authority may serve on the Committee.

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

2. Functions/Remit

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

Treasury Management Sub-Committee

1. Membership and Meeting Arrangements

- (a) The Treasury Management Sub-Committee will comprise three Members and one substitute Member of the Performance and Audit Scrutiny Committee and is politically balanced;
- (b) there will be one non-voting invitee, which will normally be the Portfolio Holder with responsibility for finance;
- (c) the Sub-Committee will be appointed annually by the Performance and Audit Scrutiny Committee (or full Council), and will appoint its own Chairman;
- (d) 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; and
- (e) 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.

2. Functions/Remit

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.

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.

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.