

To Members of the Independent Remuneration Panel

Mr J.C. Dodd

Dr B.W. Kiernan
(Chairman)

Mr B. North

Dear Member,

A meeting of the **INDEPENDENT REMUNERATION PANEL** will be held in the Council Chamber - Council Offices, Narborough at these offices on **TUESDAY, 25 NOVEMBER 2008** at **4.30 p.m.** for the transaction of the following business and your attendance is requested.

Yours faithfully

Liz Read
Democratic Services Manager

AGENDA

1. Apologies for Absence
2. Minutes (Pages 1 - 4)

To approve and sign the minutes of the meeting held on 04 September 2008 (enclosed).

3. Review of Members' Allowances Scheme (Pages 5 - 118)

To consider the report of the Democratic Services Manager (enclosed).



Agenda Item 2

INDEPENDENT REMUNERATION PANEL

Minutes of a meeting held at the Council Offices, Narborough

THURSDAY, 4 SEPTEMBER 2008

Present:-

Mr J.C. Dodd

Dr B.W. Kiernan

Mr B. North

Officers present:-

Mrs E.M. Read

- Democratic Services Manager

Mr M. Berry

- Democratic Services Officer

Also in attendance:-

Cllr. J. Blackwell and Cllr. F.G.H. Jackson

Apologies:-

None

1. ELECTION OF CHAIRMAN

The Democratic Services Manager invited nominations from the Independent Remuneration Panel Members for the election of Chairman of the Independent Remuneration Panel.

DECISION

That Dr. B.W. Kiernan be elected Chairman of the Independent Remuneration Panel.

2. MINUTES

The minutes of the meeting held on 20 November 2007, as circulated, were approved and signed as a correct record.

3. REVIEW OF MEMBERS' ALLOWANCES SCHEME

Considered – Report of the Democratic Services Manager.

The Democratic Services Manager informed the Panel that a full review of the Members' Allowances Scheme was required to take place, as the last full review had taken place in 2005.

The Democratic Services Manager also informed the Panel that she had attended a meeting with the Director of Operations regarding Members' I.T. provision, and that a report in respect of this subject would be going to Cabinet Executive later on in the year for Cabinet's consideration.

A late letter submitted by Cllr. P.N. Fox, in respect of the review of Scheme, was circulated to the Panel at the meeting.

Following discussions by the Panel, the Panel requested further information in respect of the areas of the Scheme detailed below:

1. The level of Basic Allowance payable in line with a review of payment of Allowances for Members of Licensing-Sub Committees, and attendees on Development Control site-visits.
2. The Allowances for Leaders of the Opposition Groups, and Chairman & Vice-Chairman of Scrutiny Commission.
3. Allowances for Member Champions.
4. Allowances for Chairman and Independent & Parish/Town Council Members of the Standards Committee.
5. Allowances for Chairmen of Licensing & Regulatory Committees.
6. Members' Travel Scheme.
7. Members' Subsistence Scheme.
8. Financial provision within the Members' Allowances Scheme for Members' I.T. Facilities.

The Panel agreed to meet again in October 2008 to consider any information gathered in respect of items 1 to 7 (above) and to meet in early 2009 to consider in greater detail item 8 (above) once this issue has been considered by Cabinet Executive later in the year.

The Panel were also minded to make the following initial recommendations in respect of the review of the Scheme:

1. That no changes be made to the following Special Responsibility

Allowances:

- Leader of the Council;
 - Deputy Leaders of the Opposition;
 - Members of the Cabinet Executive (excluding the Leader of the Council);
 - Chairman of Development Control Committee;
 - Vice-Chairman of Development Control Committee.
2. That the Deputy Leader of the Council payment be merged with the Deputy Leader Cabinet Executive Member Special Responsibility Allowance.
 3. That no changes be made to the Dependant Carers Allowances.
 4. That index-linking of the Basic Allowance, Special Responsibility Allowances and Pensions continues.

The Panel will review these recommendations at its meeting to be held in October, once it has had the opportunity to consider those areas of the Scheme it has requested to review further; and at that same meeting consider what recommendations to make in respect of the Members' Allowances Scheme for consideration by Council in December 2008.

THE MEETING CONCLUDED AT 6.48 P.M.

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BLABY DISTRICT COUNCIL

| | |
|-------------------|---|
| Meeting: | Independent Remuneration Panel |
| Date: | 25 November 2008 |
| Subject: | Review of Members' Allowances Scheme |
| Report of: | Democratic Services Manager |
| Status: | Public |

1. Purpose of Report

- 1.1 To seek from the Independent Remuneration Panel (IRP) recommendations for any changes to the Members' Allowances Scheme.

| | |
|-----------|--|
| 2. | <u>Recommendation to Independent Remuneration Panel</u> |
| 2.1 | That the Independent Remuneration Panel considers what changes (if any) should be made to the Members' Allowances Scheme. |
| 3. | <u>Reason for Decision Recommended</u> |
| 3.1 | To ensure that the Members' Allowances Scheme is reviewed on a regular basis and that the allowances payable to Members are appropriate. |

4. Forward Plan

- 4.1 Not applicable.

5. Key Decision

- 5.1 Not applicable.

6. Matters for Consideration

- 6.1 At the meeting of the IRP held on 4 September 2008, the Panel were informed that a full review of the Members' Allowances Scheme was required following reappointment of the three Panel Members in May 2008.

- 6.2 Having discussed the review of the Scheme, the Panel requested for its next meeting that further information in respect of the following areas be presented:

- Roles of Chairmen/Vice-Chairmen of Scrutiny Commission in other authorities (in respect of positions in political groups) (attached at Appendix 1);

- Rates payable in respect of Members and Officers Travel and Subsistence Schemes (i.e. whether the rates payable to both are at the same level) (attached at Appendix 1);
- Functions/Responsibilities of Licensing and Regulatory Committees in other authorities; (attached at Appendices A1 to A10);
- Roles of Chairmen of Standards Committees in other authorities (attached at Appendices B1 to B10);
- Work of the Council's Older Persons Champion and Young Persons Champion (attached at Appendices C1 to C2);
- Level of non-taxable figure for flat mileage rate (as determined by Her Majesty's Revenue & Customs).

6.3 The Panel also made the following initial recommendations in respect of changes to the Scheme (to be reviewed at this meeting following receipt of information detailed at 6.2 above):

1. That no changes be made to the following Special Responsibility Allowances:
 - Leader of the Council;
 - Deputy Leaders of the Opposition;
 - Members of the Cabinet Executive (excluding Leader of the Council);
 - Chairman of Development Control Committee;
 - Vice-Chairman of Development Control Committee.
2. That the Deputy Leader of the Council payment be merged with the Deputy Leader Cabinet Executive Special Responsibility Allowance.
3. That no changes be made to the Dependent Carers Allowances.
4. That index linking of the Basic Allowance, Special Responsibility Allowances and Pensions, continues.

6.4 Any recommendations made by the Panel will be submitted to the meeting of Council to be held on 09 December 2008 for Council's consideration.

6.5 Any recommendations approved by Council in respect of the Members' Allowances Scheme will be published in the Blaby Chronicle or the Leicester Mercury following the meeting, as is required by the Scheme.

7. Other Relevant Considerations

7.1 None in the context of this report.

8. Other Options Considered

8.1 None.

9. Appropriate Consultations

9.1 All District Councillors.

10. Financial and Efficiency Implications

10.1 None in the context of this report.

11. Appendices to this report

11.1 Appendix 1 – Additional Members Allowances Information

11.2 Appendices A1 to A10 – Functions/Responsibilities of Licensing and Regulatory Committees.

11.3 Appendices B1 to B10 – Roles of Standards Committees/Chairmen.

11.4 Appendices C1 to C2 – Work of Older Persons Champion and Young Persons Champion.

12. List of Background Papers

12.1 None.

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ADDITIONAL MEMBERS ALLOWANCES INFORMATION

| AUTHORITY | POLITICAL BALANCE OF COUNCIL | SCRUTINY ROLES | LICENSING/REGULATORY MEETINGS & RESPONSIBILITIES | STANDARDS COMMITTEE/ CHAIRMAN ROLES | OFFICERS/ MEMBERS TRAVEL & SUBSISTENCE SCHEMES COMPARISONS |
|---------------------|---|--|---|-------------------------------------|---|
| BLABY DC | CONSERVATIVES – 27 LIBERAL DEMOCRATS – 7 LABOUR – 4 INDEPENDENT – 1 TOTAL – 39 | CHAIRMAN OF SCRUTINY – Leader of Largest Minority Political Group VICE-CHAIRMAN – Leader of Smallest Minority Political Group | 7 Meetings scheduled per year. LICENSING COMMITTEE & REGULATORY COMMITTEES RESPONSIBILITIES: Attached at Appendix A1 Licensing/Regulatory Sub-Committees are arranged as necessary, No Licensing Sub-Committees have been held since May 2008 (however 2 are scheduled to take place in December/January). | Attached at Appendix B1 | Officers and Members Travel and Subsistence paid at same rates. |
| CHARNWOOD BC | CONSERVATIVES – 32 LABOUR – 13 LIBERAL DEMOCRATS – 5 BRITISH NATIONAL PARTY – 1 INDEPENDENT – 1 TOTAL - 52 | CHAIRMAN OF SCRUTINY – Leader of Largest Minority Political Group VICE-CHAIRMAN – Member of the Largest Group on the Council | 7 Meetings scheduled per year. LICENSING COMMITTEE & REGULATORY COMMITTEES RESPONSIBILITIES: Attached at Appendix A2 Licensing Sub-Committees – arranged as needed, approximately 25 per year. | Attached at Appendix B2 | Officers and Members Travel and Subsistence paid at same rates. |

ADDITIONAL MEMBERS ALLOWANCES INFORMATION

| AUTHORITY | POLITICAL BALANCE OF COUNCIL | SCRUTINY ROLES | LICENSING/REGULATORY MEETINGS & RESPONSIBILITIES | STANDARDS COMMITTEE/ CHAIRMAN ROLES | OFFICERS/ MEMBERS TRAVEL & SUBSISTENCE SCHEMES COMPARISONS |
|-----------------------------------|--|---|---|-------------------------------------|---|
| HINCKLEY & BOSWORTH BC | LIBERAL DEMOCRATS – 19 CONSERVATIVES – 13 LABOUR – 2 TOTAL - 34 | CHAIRMAN OF SCRUTINY – Leader of Smallest Minority Group, but has the position due to experience. VICE-CHAIRMAN OF SCRUTINY – 2 joint vice-chairs – representatives of the majority group and largest minority group (not leader). | Licensing/Regulatory Committees are arranged when required. LICENSING COMMITTEE & REGULATORY COMMITTEES RESPONSIBILITIES: Attached at Appendix A3 Licensing Sub-Committees are arranged when required. | Attached at Appendix B3 | Officers and Members Travel and Subsistence paid at same rates. |

ADDITIONAL MEMBERS ALLOWANCES INFORMATION

| AUTHORITY | POLITICAL BALANCE OF COUNCIL | SCRUTINY ROLES | LICENSING/REGULATORY MEETINGS & RESPONSIBILITIES | STANDARDS COMMITTEE/ CHAIRMAN ROLES | OFFICERS/ MEMBERS TRAVEL & SUBSISTENCE SCHEMES COMPARISONS |
|---------------------|---|--|--|-------------------------------------|--|
| LICHFIELD DC | <p>CONSERVATIVES – 44</p> <p>LIBERAL DEMOCRATS AND INDEPENDENT ALLIANCE – 6</p> <p>LABOUR – 5</p> <p>TOTAL - 55</p> | <p>CHAIRMAN OF SCRUTINY – There are 3 Overview & Scrutiny Committees, each has a Chairman from the Controlling Group.</p> <p>VICE-CHAIRMAN OF SCRUTINY – Each Committee has 2 Vice-Chairs (6 Vice-Chairs in total) 3 Vice-Chairs are from the Controlling Group, 2 Vice-Chairs are from the Largest Minority Group and 1 Vice-Chair is from the Smallest Minority Group.</p> | <p>4 Meetings scheduled per year.</p> <p>LICENSING COMMITTEE & REGULATORY COMMITTEES RESPONSIBILITIES: Attached at Appendix A4</p> <p>Licensing Sub-Committees are arranged when required.</p> | Attached at Appendix B4 | Information not given. |

ADDITIONAL MEMBERS ALLOWANCES INFORMATION

| AUTHORITY | POLITICAL BALANCE OF COUNCIL | SCRUTINY ROLES | LICENSING/REGULATORY MEETINGS & RESPONSIBILITIES | STANDARDS COMMITTEE/ CHAIRMAN ROLES | OFFICERS/ MEMBERS TRAVEL & SUBSISTENCE SCHEMES COMPARISONS |
|-----------------------------|--|--|--|-------------------------------------|--|
| MELTON BC | CONSERVATIVES – 20 INDEPENDENTS – 5 LABOUR – 3 TOTAL – 28 | CHAIRMAN OF SCRUTINY – Chairman is a member (not Leader) or the Largest Minority Group. VICE-CHAIRMAN OF SCRUTINY – Vice-Chairman is a member (not Leader) of the Largest Minority Group. | 4 Meetings scheduled per year – meetings frequently cancelled due to lack of business. LICENSING COMMITTEE & REGULATORY COMMITTEES RESPONSIBILITIES: A5 Attached at Appendix Licensing Sub-Committees are arranged when required. | Attached at Appendix B5 | Information not given. |
| NORTH WEST LEICS. DC | CONSERVATIVES – 27 LABOUR – 5 LIBERAL DEMOCRATS – 3 BRITISH NATIONAL PARTY – 2 INDEPENDENT - 1 | CHAIRMAN OF SCRUTINY – Member of Opposition Group. VICE-CHAIRMAN OF SCRUTINY – Not appointed. | 7 Meetings scheduled per year. LICENSING COMMITTEE & REGULATORY COMMITTEES RESPONSIBILITIES: Attached at Appendix A6 Licensing Sub-Committees are arranged when required – 13 held so far this year. | Attached at Appendix B6 | Information not given. |

ADDITIONAL MEMBERS ALLOWANCES INFORMATION

| AUTHORITY | POLITICAL BALANCE OF COUNCIL | SCRUTINY ROLES | LICENSING/REGULATORY MEETINGS & RESPONSIBILITIES | STANDARDS COMMITTEE/ CHAIRMAN ROLES | OFFICERS/ MEMBERS TRAVEL & SUBSISTENCE SCHEMES COMPARISONS |
|----------------------------|--|---|--|--|---|
| SLOUGH BC | <p>CONSERVATIVES – 24</p> <p>LIBERAL DEMOCRATS – 18</p> <p>LABOUR – 7</p> <p>BRITISH NATIONAL PARTY – 1</p> <p>INDEPENDENT – 1</p> <p>TOTAL – 51</p> | <p>CHAIRMAN OF SCRUTINY – Member of Largest Minority Group.</p> <p>VICE-CHAIRMAN OF SCRUTINY – Member of Smallest Minority Group.</p> | <p>7 Meetings scheduled per year.</p> <p>LICENSING COMMITTEE & REGULATORY COMMITTEES RESPONSIBILITIES: Attached at Appendix A7</p> <p>Licensing Sub-Committees are held approximately every 6 weeks.</p> | Attached at Appendix B7 | Officers and Members Travel and Subsistence paid at same rates. |
| SOUTH DERBYSHIRE DC | <p>CONSERVATIVES – 21</p> <p>LABOUR – 14</p> <p>INDEPENDENT – 1</p> <p>TOTAL 36</p> | <p>CHAIRMAN OF SCRUTINY – Member of Controlling Group.</p> <p>VICE-CHAIRMAN OF SCRUTINY – Member of Controlling Group</p> | <p>Meetings scheduled every 3 to 4 weeks.</p> <p>LICENSING COMMITTEE & REGULATORY COMMITTEES RESPONSIBILITIES: Attached at Appendix A8</p> <p>Licensing Sub-Committees are arranged when needed.</p> | Attached at Appendix B8 | Officers and Members Travel and Subsistence paid at same rates. |

ADDITIONAL MEMBERS ALLOWANCES INFORMATION

| AUTHORITY | POLITICAL BALANCE OF COUNCIL | SCRUTINY ROLES | LICENSING/REGULATORY MEETINGS & RESPONSIBILITIES | STANDARDS COMMITTEE/ CHAIRMAN ROLES | OFFICERS/ MEMBERS TRAVEL & SUBSISTENCE SCHEMES COMPARISONS |
|-------------------------------|---|---|--|-------------------------------------|---|
| SOUTH STAFFORDSHIRE DC | CONSERVATIVES – 42 INDEPENDENTS – 5 LABOUR – 1 LIBERAL DEMOCRATS – 1 TOTAL – 49 | CHAIRMAN OF SCRUTINY – Member of Controlling Group. VICE-CHAIRMAN OF SCRUTINY – Member of Controlling Group. | 4 Meetings scheduled per year. LICENSING COMMITTEE & REGULATORY COMMITTEES RESPONSIBILITIES: Attached at Appendix A9 Licensing Sub-Committees are arranged when needed – 5 have take place so far this year. | Attached at Appendix B9 | Officers and Members Travel and Subsistence paid at same rates. |
| TOWER HAMLETS LBC | LABOUR – 27 RESPECT – 11 CONSERVATIVES – 7 LIBERAL DEMOCRATS – 6 TOTAL – 51 | CHAIRMAN OF SCRUTINY – Member of Controlling Group. VICE-CHAIRMAN OF SCRUTINY – Member of Controlling Group. | 4 Meetings scheduled per year. LICENSING COMMITTEE & REGULATORY COMMITTEES RESPONSIBILITIES: Attached at Appendix A10 Licensing Sub-Committees are scheduled in to take place on a fortnightly basis, but happen on an ad-hoc basis – approximately 30 to 35 take place per year. | Attached at Appendix B10 | Officers and Members Travel and Subsistence paid at same rates. |

Sub-Section 4

Licensing Committee
(A Quasi-Judicial Body)**General**

- A decision making body with full delegated powers.
- The Committee has the power to appoint Sub-Committees (Licensing Act Panels) for the purpose of exercising the function of hearing applications, licence reviews and other such matters that may be so delegated under the Licensing Act 2003 and the Gambling Act 2005.
- To undertake and exercise the functions of the licensing authority as allocated to the Committee under the Licensing Act 2003 and the Gambling Act 2005, together with any associated functions of the Council.

Membership, Chairmanship and Quorum

- Number of Members: **13 (10-15 required by law)**
- Substitute Members permitted: **NO**
- Whether Proportionality applies: **NO**
- Appointments/Removal from Office: **By the Council**
- Eligibility/Non-Eligibility for Membership:
 - Members - Members of the Cabinet Executive are not eligible.
 - Substitute Members - Members of the Cabinet Executive are not eligible.
- Eligibility/Non-Eligibility for Chairmanship/Vice-Chairmanship:
 - Members of the Cabinet Executive are not eligible.
 - All Members of the Committee are eligible to hold these positions of office.
- Quorum: **3**

Procedures

Compilation of Agenda

The Democratic Services Manager is responsible for the compilation of the Agenda.

Functions

1. All matters relating to the discharge by a licensing authority of its licensing functions under the Licensing Act 2003 and the Gambling Act 2005.
2. Power to delegate the discharge of its functions of any matter:
 - (a) relates to a matter referred to that Committee by virtue of Paragraph 1, but
 - (b) is not a licensing function.

Officer Delegation Scheme

The delegated powers specified in the Cabinet Executive Officer Delegation Scheme shall, so far as they fall within the functions, powers and duties of this body, constitute the delegated powers of this body. Where those delegated powers are specified in the case of the Cabinet Executive as being exercised in consultation with a Portfolio Holder, such delegated powers shall be exercised within this body's functions, powers and duties.

Sub-Section 4

Licensing Sub-Committees (Panels)

(A Quasi-Judicial Body)

General

- A decision making body with full delegated powers.
- To exercise the function of hearing and determining applications, licence reviews and other such matters.
- A Sub-Committee of the Licensing Committee.

Membership, Chairmanship and Quorum

- Number of Members: 3
- Substitute Members permitted: NO (There will be a reserve list)
- Whether Proportionality applies: NO
- Quorum: 3
- Members of the Panels will be called off the list of Members of the Licensing Committee by the Legal Services Manager and/or Democratic Services Manager.

Procedures

Compilation of Agenda

The Democratic Services Manager is responsible for the compilation of the Agenda.

A practice be established that papers for a Panel meeting be also sent to a further Member of the Licensing Committee and preparation for attendance be requested of that Member, such that a Panel may be re-constituted for that hearing to include that Member should a Panel Member as originally constituted not be available.

Functions

To hear and determine applications, variations, licence reviews and other such matters delegated to it under the Licensing Act 2003 and the Gambling Act 2005 by the Licensing Committee.

Officer Delegation Scheme

The delegated powers specified in the Cabinet Executive Officer Delegation Scheme shall, so far as they fall within the functions, powers and duties of this body, constitute the delegated powers of this body. Where those delegated powers are specified in the case of the Cabinet Executive as being exercised in consultation with a Portfolio Holder, such delegated powers shall be exercised within this body's functions, powers and duties.

Full Delegated Powers as detailed hereunder

| | | |
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| K 1 | <u>Legal and other associated proceedings and matters.</u> To institute, conduct and settle legal proceedings both civil and criminal, including the taking of urgent action, and to defend legal proceedings, both civil and criminal. | LSM |
| 2 | To issue and serve notices and requisitions in connection with statutory powers and duties and/or legal proceedings and deal with responses to such notices and requisitions. | LSM and/or HLG M in consultation with the appropriate Director |
| 3 | To take enforcement action and proceedings. | LSM and/or HLG M |
| 4 | To apply for injunctions, where appropriate, in the interest of the Council and/or the inhabitants of the area. | LSM |
| 5 | To instruct Counsel and external Solicitors as appropriate. | LSM |
| 6 | Not used | |
| 7 | Determine a personal licence application with no objections. | Licensing Team Leader |
| 8A | Determine a personal licence application with relevant offences with objections. | Licensing Sub- Committee |
| 8B | Determine a personal licence application with relevant offences with no objections. | Licensing Team Leader |
| 9 | Determine an application for premises licence/club premises certificate where representations have been received and not withdrawn. | Licensing Sub- Committee |

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| 10 | Determine an application for premises licence/club premises certificate where no representations have been received or representations have been withdrawn. | Licensing Team Leader |
| 11 | Determine an application for provisional statement where representations have been received and not withdrawn. | Licensing Sub-Committee |
| 12 | Determine an application for provisional statement where no representations have been received or representations have been withdrawn. | Licensing Team Leader |
| 13 | Determine an application to vary premises licence/club premises certificate where representations have been received and not withdrawn. | Licensing Sub-Committee |
| 14 | Determine an application to vary premises licence/club premises certificate where no representations have been received or representations have been withdrawn. | Licensing Team Leader |
| 15 | Determine an application to vary designated premises supervisor with Police objection | Licensing Sub-Committee |
| 16 | Determine an application to vary designated premises supervisor with no Police objection. | Licensing Team Leader |
| 17 | Process a request to be removed as designated premises supervisor. | Licensing Team Leader |
| 18 | Determine an application for transfer of premises licence where representations have been received from the Police or Gambling Commission. | Licensing Sub-Committee |
| 19 | Determine an application for transfer of premises licence where no representations have been received from the Police or Gambling Commission. | Licensing Team Leader |
| 20 | Determine an application to review premises licence/club premises certificate. | Licensing Sub-Committee |
| 21 | Decision on whether a complaint is frivolous vexations etc. | HLGM/Licensing Team Leader in consultation with Chairman or Vice-Chairman of Licensing Committee |
| 22 | Not used. | |
| 22A | Acknowledgement of a Temporary Event Notice or Temporary Use Notice. | Licensing Team Leader |
| 22B | Determination of an objection(s) to a Temporary Use Notice. | Licensing Sub-Committee |
| 23 | Determination of a police objection to a temporary event notice. | Licensing Sub-Committee |

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| 24 | Members of the Sub-Committee to be called off the list of Members of the Licensing Committee. | DSM |
| 25 | Determine an application for interim authorities with objections. | Licensing Sub-Committee |
| 26 | Determine an application for interim authorities with no objections. | Licensing Team Leader |
| 27 | Cancellation/Refusal of club gaming/club machine permits. | Licensing Sub-Committee |
| 28 | Determine applications for other permits under Gambling Act 2005. | Licensing Team Leader |
| 29 | Cancellation of licensed premises gaming machine permits. | Licensing Sub-Committee/Licensing Team Leader |

Sub-Section 5

Regulatory Committee

(A Quasi-Judicial Body)

General

- A decision making body with full delegated powers.
- The Committee has the power to appoint Sub-Committees (Regulatory Panels) for the purpose of exercising the function of licensing applications, licence reviews and other such matters.
- To undertake the licensing, registration and regulatory functions of the Council, delegated under Section 101 of the Local Government Act 1972 as set out in the functions detailed below.

Membership, Chairmanship and Quorum

- Number of Members: 13
- Substitute Members permitted: YES
- Whether Proportionality applies: YES
- Appointments/Removal from Office: As expressed through the wishes of the Political Groups and given effect to by the Council by way of resolution.
- Eligibility/Non-Eligibility for Membership:
 - Members - Members of the Cabinet Executive are not eligible.
 - Substitute Members - Members of the Cabinet Executive are not eligible.
- Eligibility/Non-Eligibility for Chairmanship/Vice-Chairmanship:
 - Members of the Cabinet Executive are not eligible.
 - All Members of the Committee are eligible to hold these positions of office.
- Quorum: 3

Procedures

Compilation of Agenda

The Democratic Services Manager is responsible for the compilation of the Agenda.

Functions

1. Full delegated powers to consider, to hold a hearing and determine any licensing applications, renewals, suspensions or revocations referred to the Committee by the Head of Administration and Legal Services and/or Democratic Services Manager under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act, 1976 and any other miscellaneous licensing applications and all other Acts referred to in the delegated powers detailed below as delegated to Officers.
2. Full delegated powers in relation to health and safety detailed below as delegated to Officers.

Officer Delegation Scheme

The delegated powers specified in the Cabinet Executive Officer Delegation Scheme shall, so far as they fall within the functions, powers and duties of this body, constitute the delegated powers of this body. Where those delegated powers are specified in the case of the Cabinet Executive as being exercised in consultation with a Portfolio Holder, such delegated powers shall be exercised within this body's functions, powers and duties.

Full Delegated Powers as detailed hereunder

| | | |
|-----|--|---|
| K 1 | <p><u>Legal and other associated proceedings and matters</u></p> <p>To institute, conduct and settle legal proceedings both civil and criminal, including the taking of urgent action, and to defend legal proceedings, both civil and criminal.</p> | LSM |
| 2 | To issue and serve notices and requisitions in connection with statutory powers and duties and/or legal proceedings and deal with responses to such notices and requisitions. | LSM and/or HLGM in consultation with the appropriate Director |
| 3 | To take enforcement action and proceedings. | LSM and/or HLGM |
| 4 | To apply for injunctions, where appropriate, in the interest of the Council and/or the inhabitants of the area. | LSM |
| 5 | To instruct Counsel and external Solicitors as appropriate. | LSM |
| 6 | <p>Issue, renewal and transfer of annual licences, registrations including action on omissions in respect of:-</p> <p>The sale of pet animals Animal boarding establishments Dangerous wild animals Riding establishments Acupuncture, tattooing, ear-piercing or electrolysis Hairdressers Caravan Sites Animal breeding establishments</p> | HLGM/EPGM |
| 7 | <p>Authority to issue, renew and transfer licences/permits and registrations in respect of:- House to House Collections Act, 1939, and House to House Collections Regulations 1947 (as amended). Police, Factories etc. (Miscellaneous Provisions) Act, 1916 (as amended) - Street Collections. Gambling Act 2005 - Small Society Lotteries. Vehicles (Crime) Act 2001 and Motor Salvage Operators Regulations 2002.</p> | HLGM/Licensing Team Leader |

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| 8 | <p>Local Government (Miscellaneous Provisions) Act, 1982 Scrap Metal Dealers Act, 1964. Town Police Clauses Act, 1847 (as amended) - Hackney Carriages and Drivers. Local Government (Miscellaneous Provisions) Act, 1976 (as amended) - Private Hire Operators, Vehicles and Drivers. Authority to issue, suspend and to take any other appropriate action (in accordance with legislation) including varying standard conditions.</p> | HLGM/Licensing Team Leader |
| 9 | <p>Functions under any of the 'relevant statutory provisions' within the meaning of Part 1 (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.</p> | HLGM |
| 10 | <p>To enforce offences relating to the display of no smoking signs under the provision of the Health Act 2006.</p> | HLGM |
| 11 | <p>To enforce offences relating to smoking in smoke free places under the provisions of the Health Act 2006.</p> | HLGM |
| 12 | <p>To enforce offences of failing to prevent smoking in smoke free places under the provisions of the Health Act 2006.</p> | HLGM |
| 13 | <p>Power to transfer enforcement functions to another enforcement authority under the smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368).</p> | HLGM |
| 14 | <p>Members of Sub-Committee to be called off the list of Members of the Regulatory Committee.</p> | DSM |

Sub-Section 5

Private Hire/Hackney Carriage Regulatory Sub-Committee

(A Quasi-Judicial Body)

General

- A decision making body with full delegated powers.
- A Sub-Committee of the Regulatory Committee.

Membership, Chairmanship and Quorum

- Number of Members: 3
- Substitute Members permitted: YES
- Whether Proportionality applies: NO
- Appointments/Removal from Office: As expressed through the wishes of the Political Groups and given effect to by the Council by way of resolution.
- Eligibility/Non-Eligibility for Membership:
 - Members - Members of the Regulatory Committee are eligible.
 - Substitute Members - Members of the Regulatory Committee are eligible.
- Eligibility/Non-Eligibility for Chairmanship/Vice-Chairmanship:
 - All Members (and substitute Members) of the Committee are eligible to hold these positions of office.
- Quorum: 3
- Members and Substitute Members will be called off the list of Members of the Regulatory Committee by the Democratic Services Manager.

Procedures

Compilation of Agenda

The Democratic Services Manager is responsible for the compilation of the Agenda.

Functions

Delegated powers to hold a hearing and determine any licensing applications, renewals, suspensions or revocations pursuant to the legislation set out below which are referred to the Committee by the Democratic Services Manager:

- The Town Police Clauses Act 1847, (as amended) - Hackney Carriages and Drivers.
- The Local Government (Miscellaneous Provisions) Act, 1976 (as amended) - Private Hire Operators, Vehicles and Drivers.

Officer Delegation Scheme

The delegated powers specified in the Cabinet Executive Officer Delegation Scheme shall, so far as they fall within the functions, powers and duties of this body, constitute the delegated powers of this body. Where those delegated powers are specified in the case of the Cabinet Executive as being exercised in consultation with a Portfolio Holder, such delegated powers shall be exercised within this body's functions, powers and duties.

(f) Licensing Committee

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| Membership: Fifteen members | |
| Quorum: Eight members | |
| Functions | Delegation |
| <p>1. All those functions for which the Council is responsible relating to licensing and registration set out in Regulation 2 and Schedule I of the Regulations</p> <p>2. To recommend the Council to approve or revise the Statement of Licensing Policy</p> <p>3. In those cases where a relevant representation has been received, to discharge the Council's responsibility under the Licensing Act 2003 for determining the following:</p> <ul style="list-style-type: none"> (i) application for a personal licence; (ii) application for a premises licence or club premises certificate; (iii) application for a provisional statement; (iv) application for variation to a premises licence or club premises certificate; (v) application to grant or vary the licence so as to specify the designated premises supervisor; (vi) application for transfer of a premises licence; (vii) application for interim authority; (viii) application for a temporary event notice. <p>4. To determine the following matters concerning the discharge by the Council of its licensing functions under the Licensing Act 2003:</p> <ul style="list-style-type: none"> (i) application for a personal licence where there are relevant unspent convictions; (ii) the review of a premises licence or club premises certificate; (iii) decision to object where the local authority is the consultee and not the relevant authority considering the application; (iv) a police objection to a temporary event notice. <p>5. To make recommendations to Council in respect of the Council's licensing policy in respect of its powers</p> | <p>The Directors of Partnerships and Customer Services and Housing and Health are authorised to exercise the powers set out in paragraph 3.7 of this part of the Constitution.</p> <p>No delegation</p> <p>Items 3, 4, 6, 7 and 9 have been delegated to the Licensing Sub-committee.</p> <p>The Licensing Sub-committee will comprise three members chosen by the Director of Change Management on the basis of availability from the members of the Committee so that it includes at least one of the Chair and Vice-chairs of the Committee. The Licensing Sub-committee will follow the Procedure Rules for licensing hearings in Part 4 of the Constitution when exercising these functions.</p> |

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| <p>under the Gambling Act 2005</p> <p>6. In those cases where a relevant representation has been received and not withdrawn, to discharge the Council's responsibility under the Gambling Act 2005 for determining the following:</p> <ul style="list-style-type: none"> (i) application for a premises licence; (ii) application for the variation of a premises licence; (iii) application for a provisional statement under section 204 of the Act; (iv) application for a club gaming permit or club machine permit under sections 271 and 273 of the Act <p>7. To determine the following matters concerning the discharge by the Council of its licensing functions under the Gambling Act 2005:</p> <ul style="list-style-type: none"> (i) an application for transfer of a premises following representations by the Gambling Commission; (ii) a review of a premises licence under section 201 of the Gambling Act 2005; (iii) whether to issue a counter notice to a temporary use notice under section 224 of the Gambling Act 2005; (iv) whether to cancel a gaming permit or club machine permit. <p>8. To determine new applications for sex establishment licences.</p> <p>9. To determine applications for pavement café licences.</p> | <p>No delegation</p> |
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Members should not participate in Licensing Committee or Sub-committee meetings unless they have attended the appropriate training on relevant licensing matters prescribed by the Council.

References above to panels should be interpreted as referring to the sub-committees described in relevant legislation.

(b) Regulatory Committee

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| Membership: Thirteen members | |
| Quorum: Seven members | |
| Functions | Delegation of Functions |
| 1. To determine all those applications for planning permission, listed building consent, conservation area consent, advertisement consent and consent to carry out works to protected trees which stand automatically referred to this Committee when not less than five members give notice in writing to the Director of Change Management and giving reasons by noon on the second working day after a meeting of the Plans Committee at which the application was considered. | No delegation |
| 2. To recommend the Council to acquire a listed building in need of repair. | No delegation |
| 3. To carry out those functions relating to health and safety at work (other than in the Councils capacity as an employer) set out in Regulation 2 and Schedule I of the Regulations. | The Director of Housing and Health is authorised to exercise the powers set out in paragraph 3.7 of this part of the Constitution. |
| 4. To carry out those functions for which the Council is responsible relating to public rights of way set out in Regulation 2 and Schedule I of the Regulations. | The Director of Development is authorised to exercise the powers set out in paragraph 3.7 of this part of the Constitution |
| 5. To carry out those functions relating to compliance with the Council's plans and policies for the control of pollution, management of air quality and statutory nuisances. | The Director of Housing and Health is authorised to exercise the powers set out in paragraph 3.7 of this part of the Constitution |
| 6. To carry out functions relating to contaminated land | The Director of Housing and Health is authorised to exercise the powers set out in paragraph 3.7 of this part of the Constitution |

Members should not participate in Regulatory Committee meetings determining planning and other applications unless they have attended the appropriate training on relevant planning matters prescribed by the Council.

| Responsibility of the Licensing and Regulatory Committees | Delegation |
|--|--|
| <p>Health and Environment</p> <p>- Licensing and Registration Functions</p> <p>1 Power to issue licences authorising the use of land as a caravan site. (Section 3(3) of the Caravan Sites and Control of Development Act 1960.</p> <p>2 Power to licence the use of moveable dwellings and camping sites. (Section 269 (i) of the Public Health Act 1936)</p> | <ul style="list-style-type: none"> • Director of Community & Planning Services • Environmental Health Manager (Commercial) ▪ Head of Community Services (Environment) <ul style="list-style-type: none"> • Director of Community & Planning Services • Environmental Health Manager (Commercial) ▪ Head of Community Services (Environment) |
| <p>3 Power to license premises for acupuncture, tattooing, ear piercing, electrolysis, semi permanent skin colouring and cosmetic piercing (Sections 13 to 17 Local Government (Miscellaneous Provisions Act 1982)</p> | <ul style="list-style-type: none"> • Director of Community & Planning Services • Environmental Health Manager (Commercial) ▪ Head of Community Services (Environment) |
| <p>4 Power to licence pleasure boats and pleasure vessels (Section 94, Public Health Acts Amendment Act 19070</p> | <ul style="list-style-type: none"> • Director of Community & Planning Services • Environmental Health Manager (Commercial) ▪ Head of Community Services (Environment) |
| <p>5 Power to licence scrap yards (Section 1 Scrap, Metal Dealers Act 1964)</p> | <ul style="list-style-type: none"> • Director of Community & Planning Services • Environmental Health Manager (Commercial) |
| <p>6 Power to issue, amend or replace safety certificates (whether general or special) for sports grounds (Safety of Sports Grounds Act 1975)</p> | <ul style="list-style-type: none"> • Director of Community & Planning Services ▪ Environmental Health Manager (Commercial) |
| <p>7 Power to licence premises for the breeding of dogs (Section 1, Breeding of Dogs Act 1973 and Section 1 & 8 of Breeding and Sale of Dogs (Welfare) Act 1999</p> | <ul style="list-style-type: none"> • Director of Community & Planning Services • Environmental Health Manager (Commercial) ▪ Head of Community Services (Environment) |
| <p>8 Power to licence pet shops and other establishments where animals are kept (Section 1 of Pet Animals Act 1951, & Section 1 Animal Boarding Establishments Acts 1963 for the purposes of carrying on a business</p> | <ul style="list-style-type: none"> • Director of Community & Planning Services • Environmental Health Manager (Commercial) ▪ Head of Community Services (Environment) |
| <p>9 Power to licence riding establishments under the Riding Establishment Acts 1964 & 1970</p> | <ul style="list-style-type: none"> • Director of Community & Planning Services on advice from a veterinary practitioner. • Environmental Health Manager (Commercial) ▪ Head of Community Services (Environment) |
| <p>10 Power to register animal trainers and exhibitors (Section 1 of Performing Animals (Regulation) Act 1925</p> | <ul style="list-style-type: none"> • Director of Community & Planning Services • Environmental Health Manager (Commercial) ▪ Head of Community Services (Environment) |
| <p>11 Power to licence zoos (Section 1 of Zoo Licensing Act 1981)</p> | <ul style="list-style-type: none"> • Director of Community & Planning Services |

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|---|--|
| <p>12 Power to licence dangerous wild animals (Section 1 of Dangerous Wild Animals Act 1976)</p> | <ul style="list-style-type: none"> • Director of Community & Planning Services ▪ Environmental Health Manager (Commercial) ▪ Head of Community Services (Environment) |
| <p>13 Power to licence knackers yards (Section 4 of Slaughterhouse Act 1974 and Animal By-Products Order 1999)</p> | <ul style="list-style-type: none"> • Director of Community & Planning Services • Environmental Health Manager (Commercial) ▪ Head of Community Services (Environment) |
| <p>14 Power to licence persons to collect for charitable and other causes (Section 5 of the Police Factories etc (Miscellaneous Provisions) Act 1916 – Street Collections and Section 2 of the House to House Collection Act 1939 – house to house collections.</p> | <ul style="list-style-type: none"> • Director of Community & Planning Services • Principal Licensing Officer ▪ Environmental Health Manager (Commercial) |
| <p>15 Power to grant consents for the operation of a loudspeaker (Schedule 2, Noise and Statutory Nuisances Act 1993)</p> | <ul style="list-style-type: none"> • Director of Community & Planning Services • Environmental Health Manager |
| <p>16 Power to approve Vertical Directive Premises under EC 853/2004 (meat, dairy and fishery products premises)</p> | <ul style="list-style-type: none"> • Director of Community & Planning Services • Environmental Health Manager (Commercial) |
| <p>17 Duty to keep register of food premises (Regulation 5 of Food Premises (Registration) Regulations 1991)</p> | <ul style="list-style-type: none"> • Director of Community & Planning Services ▪ Environmental Health Manager (Commercial) |
| <p>18 Power to register food business premises (Regulation 9 of Food Premises (Registration) Regulations 1991)</p> | <ul style="list-style-type: none"> • Director of Community & Planning Services • Environmental Health Manager (Commercial) ▪ Head of Community Services (Environment) |
| <p>19 Serving notices under Anti-Social Behaviour Act 2003 relating to graffiti.</p> | <ul style="list-style-type: none"> • Development • Head of Business & Street Scene Services • Operations Manager |
| <p>20 Duty to register Motor Salvage Operators under S2 Vehicles Crime Act 2001.</p> | <ul style="list-style-type: none"> • Director of Community & Planning Services • HR |
| <p>Health & Safety at Work Functions</p> | |
| <p>21 Functions under any of the "relevant statutory provisions" within the meaning of Part 1 of the Health and Safety at Work Etc Act 1974 relating to enforcement duties and not in the Authority's capacity as an employer.</p> <ul style="list-style-type: none"> • Power of entry and to authorise entry for persons accompanying Health and Safety Inspector (Section 20) • Improvement notices (Section 21) • Prohibition notices (Section 22) • Transfer and assignment of premises under the Health and Safety (Enforcement Authority) Regulations 1987 • | <ul style="list-style-type: none"> • Qualified Environmental Health and technical officers • Delegated to all inspectors appointed under Section 19 • Delegated to all inspectors appointed under Section 19, except legal/default action. • Delegated to all Environmental Health Officers appointed under Section 19, except legal/default action. • Delegated to Director of Community & Planning Services / Environmental Health Manager. (Commercial). |

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| <ul style="list-style-type: none">• Power to appoint persons other than Council Officers (Section 19).• Powers contained in the Health Act 2006 in relation to Smoke Free legislation, including the authority to delegate functions contained in<ul style="list-style-type: none">• The Smoke Free (Premises and Enforcement) Regulations• The Smoke Free (Signs) Regulations• The Smoke free (Exemptions and Vehicles)Regulations• The Smoke Free (Penalties and Discounted Amounts) Regulations• The Smoke Free (Vehicle Operators and Penalty Notices) Regulations• To suitably qualified Officers | <ul style="list-style-type: none">• Delegated to Director of Community & Planning Services /Environmental Health Manager (Commercial).• Delegated to Director of Community & Planning Services.<ul style="list-style-type: none">▪ Environmental Health Manager (Commercial) |
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LICENSING COMMITTEE

| Functions of the Licensing Committee | Delegation of Functions |
|---|---|
| <p>1 Power to licence hackney carriages and private hire vehicles (Town Police Clauses Act 1847 as extended by Section 171 of Public Health Act 1875, and Section 15 of Transport Act 1985 and Sections 47, 57, 58, 60 and 79 of Local Government (Miscellaneous Provisions) Act 1976</p> <p>2 Power to licence drivers of hackney carriages and private hire vehicles (Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>3 Power to licence operators of hackney carriages and private hire vehicles (Sections 55 to 58, 62 and 79 of Local Government (Miscellaneous Provisions) Act 1976</p> | <p>NB All delegation to officers is subject to members being advised of applications on a weekly list.</p> <ul style="list-style-type: none"> • To Director of Community & Planning Services • Principal Licensing Officer |
| <p>4 Power to register pool promoters (Schedule 2 of Betting, Gaming and Lotteries Act 1963)</p> <p>5 Power to grant track betting licences (Schedule 3 of Betting, Gaming and Lottery Act 1963)</p> <p>6 Power to licence inter-track betting schemes (Schedule 5 of Betting, Gaming and Lottery Act 1963)</p> <p>7 Power to grant permits in respect The Gaming Act 1968 for</p> <ul style="list-style-type: none"> • Section 6 permit – low stake gaming • Section 34 'all cash' permit • Section 34 'coin or token' permit <p>8 Power to register societies wishing to promote lotteries (Schedule 1 of Lotteries and Amusements Act 1976)</p> <p>9 Power to grant permits in respect of premises where amusements with prizes are provided (Schedule 3 of Lotteries and Amusements Act 1976)</p> <p>*Please note that 4 – 9 above will be removed from September 2007 as they will be incorporated into the Gambling Act</p> <p>10 Determination of small society registrations under the Gambling Act 2005.</p> <p>11 Power to suspend or revoke hackney carriage and private hire driver, vehicle and operator's licences, Local Government (Miscellaneous Provisions) Act 1976 Section 60, 61 (as extended by Section 52 of the Road Safety Act 2006) and 62.</p> <p>12 Power to grant licences, transfers and variations where no objections or representations are received and to grant a private hire / hackney carriage driver's licence where the applicant's driving licence has not been endorsed with 6 or more points or a Court has not awarded points which take the number of points on the licence to or over 6.</p> | <ul style="list-style-type: none"> • To Director of Community & Planning Services • Principal Licensing Officer • To Director of Community & Planning Services • Principal Licensing Officer <p>None</p> <ul style="list-style-type: none"> • To Director of Community & Planning Services or Licensing Officer to approve applications for grant or renewal of permits. <ul style="list-style-type: none"> • To Director of Community & Planning Services • Principal Licensing Officer <ul style="list-style-type: none"> • To Director of Community & Planning Services • Principal Licensing Officer <ul style="list-style-type: none"> • Principal Licensing Officer <ul style="list-style-type: none"> • Principal Licensing Officer <ul style="list-style-type: none"> • Director of Community & Planning Services and Principal Licensing Officer |

| Functions of the Licensing Committee | Delegation of Functions |
|--|---|
| 13 Power to grant licences, transfers and variations in light of a driving licence endorsement expiring close to the renewal date, such that the total number of points after the endorsement has expired will be less than 6. | <ul style="list-style-type: none"> • Director of Community & Planning Services / Principal Licensing Officer in consultation with the Chairman/Vice-Chairman of the Licensing Committee. |
| 14 Power to determine where there is legal / default action. | <ul style="list-style-type: none"> • Licensing Committee |
| 15 Licensing Act 2003 Granting of Provisional Statement (S29) | <ul style="list-style-type: none"> • Director of Community & Planning Services or Principal Licensing Officer. (If no relevant representation made) . • Licensing Sub-Committee (relevant representation). |
| 16 Licensing Act 2003 Variation of Premises Licence (S34) / Club Premises Certificate (S84) | <ul style="list-style-type: none"> • Licensing Sub-Committee |
| 17 Licensing Act 2003 Variation of designated Premises Supervisor (S37) | <ul style="list-style-type: none"> • Director of Community & Planning Services or Principal Licensing Officer (no objections) • Licensing Sub Committee (objections). • Director of Community & Planning Services or Principal Licensing Officer – (All cases) |
| 18 Licensing Act 2003 Request to be Removed as designated Premises Supervisor (S41) | <ul style="list-style-type: none"> • Director of Community & Planning Services or Principal Licensing Officer (no objections) • Licensing Sub Committee (Police objection). |
| 19 Licensing Act 2003 Transfer of Premises licence (S42) | <ul style="list-style-type: none"> • Licensing Sub Committee (Police objection). • Director of Community & Planning Services or Principal Licensing Officer (All other cases) |
| 20 Licensing Act 2003 - Granting of interim authorities (S47) | <ul style="list-style-type: none"> • Licensing Sub Committee |
| 21 Licensing Act 2003 - Application to Review Premise Licence (S51) / Club Premises Certificate (S87) | <ul style="list-style-type: none"> • Director of Community & Planning Services or Principal Licensing Officer (All cases) |
| 22 Licensing Act 2003 Decision whether a complaint is irrelevant, frivolous, vexatious or repetitious | <ul style="list-style-type: none"> • Licensing Sub Committee |
| 23 Licensing Act 2003 - Determinations of a Police objection to Temporary Events Notice (S105) | <ul style="list-style-type: none"> • Licensing Sub Committee |
| 24 Licensing Act 2003 - Decision to object when the local authority is a consultee and not the relevant authority considering the application | <ul style="list-style-type: none"> • Director of Community & Planning Services or Principal Licensing Officer (If no objection made) |
| 25 Licensing Act 2003 - Application for personal licence (S117) | <ul style="list-style-type: none"> • Licensing Sub Committee |
| 26 Licensing Act 2003 - Determination of personal licence with unspent convictions (S118) | <ul style="list-style-type: none"> • Director of Community & Planning Services or Principal Licensing Officer |
| 27 Licensing Act 2003 - Application for a premises licence (S17) / Club premises Certificate (S71) | |
| 28 Licensing Act 2003 Gaming & Gaming Machines on Alcohol Licensed Premises – granting of permits for Amusement with prizes machines. | |

| Functions of the Licensing Committee | Delegation of Functions |
|--|--|
| 29 Enforcement of the provisions of the Gambling Act, 2005, in accordance with the Act, relevant statutory guidance and / or codes of practice | <ul style="list-style-type: none"> • Director of Community & Planning Services |
| 30 Authorisation persons in accordance with Section 304 of the Act.' | <ul style="list-style-type: none"> • Director of Community & Planning Services |
| 31 To act on behalf of the Licensing Authority as a Responsible Authority under section 157 of the Gambling Act 2005. | <ul style="list-style-type: none"> • Director of Community & Planning Services |
| 32 To determine the following applications under the Gambling Act 2005: Applications for a Premises Licence Application For a Variation to a Licence Application for a transfer of a licence Application for a provisional statement | <p>where no representations have been received or where representations have been withdrawn</p> <ul style="list-style-type: none"> • Director of Community & Planning Services • Principal Licensing Officer |
| 33 Consideration of temporary use notice, occasional use notice. | <ul style="list-style-type: none"> • Director of Community & Planning Services • Principal Licensing Officer |
| 34 Application For Alcohol Licensed Premises Gaming Machine Permit. | <ul style="list-style-type: none"> • Director of Community & Planning Services • Principal Licensing Officer |
| 35 Application for Prize Gaming Permit/Unlicensed Family Entertainment Centre. | <ul style="list-style-type: none"> • Director of Community & Planning Services • Principal Licensing Officer |
| 36 Deciding whether representations are vexatious, frivolous or will not influence the authorities determination | <ul style="list-style-type: none"> • Director of Community & Planning Services • Principal Licensing Officer |
| 37 Review of a Premises Licence | <p>where it is by responsible authority /interested party</p> <ul style="list-style-type: none"> • Director of Community & Planning Services • Principal Licensing Officer |
| 38 Fee Setting in relation to the Gambling Act | None |
| 39 Refusal or cancellation of club gamins/club machine permit | None |
| 40 Temporary Use Notice, counter-notice(s224) | None |

3. REGULATORY AND LICENSING COMMITTEE

DELEGATED TO THE REGULATORY AND LICENSING COMMITTEE

- 3.1 The consideration of matters relating to hackney carriages, private hire vehicles, gambling, licensing, food and other miscellaneous functions relating to licensing and registration, including the review of the Council's licensing schemes.
- 3.2 Functions relating to health and safety at work under any 'relevant statutory provision' within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as employer.
- 3.3 Functions relating to elections, the name and status of the area and individuals for recommendation to Council.
- 3.4 The control of Licensing Powers concerning the operation of Hackney Carriages and Private Hire Vehicles.
- 3.5 The control of atmospheric pollution.
- 3.6 The regulation and control of animal welfare, dangerous wild animals, zoos and zoo licensing.
- 3.7 Powers and duties under the Licensing Act 2003, in relation to the licensing of regulated entertainment, the sale or supply of alcohol and late night refreshments.
- 3.8 Powers and duties under the Gambling Act 2005 in relation to the setting of fees, gambling premises licences, permits and gaming.
- 3.9 The control and authorisation of street and house to house collections other than those relating to organisations holding certificates of exemption issued by the Home Office.
- 3.10 To exercise the Council's powers in relation to the creation, closure, diversion and extinguishments of public paths and rights of way.
- 3.11 The regulation of commons and village greens in the ownership of the District Council.
- 3.12 Authority under section 38 of the Staffordshire Act 1983 to prohibit the riding of cycles in any pedestrian area in the District.
- 3.13 Authority to make a designation order under section 13 of the Criminal Justice and Police Act 2001, to restrict anti-social, public drinking in public places.

4. LICENSING AND CONSENTS APPEALS COMMITTEE

DELEGATED TO THE LICENSING AND CONSENTS APPEALS COMMITTEE:-

- 4.1 In accordance with Part V Article 18 of the Staffordshire County Council (Lichfield Central Area) Traffic Order 1997 to consider and determine appeals against the Council's refusal to issue a permit allowing vehicular access to the pedestrian zone detailed in the Traffic Order.
- 4.2 In accordance with Part V Article 18 of the Staffordshire County Council (Lichfield Central Area) Traffic Order 1997 to consider and determine appeals against the Council's decision to withdraw a permit under Article 15 (2) of the Traffic Order.
- 4.3 In accordance with Part V Article 18 of the Staffordshire County Council (Lichfield Central Area) Traffic Order 1997 to consider and determine appeals against the period specified by the Council under Article 15(2) and (3).
- 4.4 To consider and determine appeals against the refusal of applications for licences for hackney carriages and private hire vehicles or appeals against the imposition of conditions attached to such licences.
- 4.5 To consider any other appeals against the refusal to grant a licence or permit or against the imposition of conditions attached to the granting of a consent.
- 4.6 To determine an application for a Personal Licence where a Police objection is made;
- 4.7 To determine an application for a Personal Licence where there are unspent convictions;
- 4.8 To determine applications for Premises Licences/Club Premises Certificates if a relevant representation is made;
- 4.9 To determine an application for a Provisional Statement if a relevant representation is made;
- 4.10 To determine an application to vary a Premises Licence/Club Premises Certificate if a relevant representation is made;
- 4.11 To determine an application to vary designated Premises Supervisor if a Police objection is made;
- 4.12 To determine an application for the transfer of a Premises Licence if a Police objection is made;

COMMITTEE: LICENSING

COMPOSITION

10 Elected Members not politically balanced.

No Member may sit on this Committee until he or she has undergone basic training on the law and procedure relating to the functions of this Committee.

DELEGATED FUNCTIONS

1. To deal with all matters in relation to the Licensing Act 2003, except the setting and adoption of the Statement of Licensing Policy which must be referred to Full Council.
2. To deal with all matters in relation to the Gambling Act 2005, except the setting and adoption of the Gambling Policy which must be referred to Full Council.

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL CONSTITUTION

| Functions | Matters Reserved for a Decision |
|--|---|
| Making tree preservation orders. | To consider objections or other representations. |
| Serving Building Preservation Notices or Listed Building Repair Notices. | All matters reserved except where necessary to serve a notice in an emergency. |
| Public path orders under the Town and Country Act 1990. | To determine matters referred to it following the receipt of objections or other representations. |

4. LICENSING COMMITTEE

Membership: Twelve councillors

Quorum: Three councillors

| Functions | Matters Reserved for a Decision |
|--|--|
| <p>To consider all outstanding licensing matters.</p> <p>To recommend to Council to resolve not to issue a casino licence.</p> | <p>To determine all licensing matters referred to with the exception of:</p> <p>(i) The Statements of Licensing Policy under both the Licensing Act 2003 and the Gambling Act 2005;</p> <p>(ii) the power to resolve not to issue a casino licence which shall be reserved to Council.</p> |

4.1 LICENSING SUB-COMMITTEE

Membership: Three councillors

Quorum: Three councillors

| Functions | Matters Reserved for a Decision |
|--|--|
| To consider matters concerning the discharge by the Council of its licensing functions under the Licensing Act 2003. | Application for a personal licence where there are relevant unspent convictions; |

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL CONSTITUTION

| Functions | Matters Reserved for a Decision |
|--|---|
| | <p>The review of a premises licence or club premises certificate;</p> <p>Decision to object when the local authority is the consultee and not the relevant authority considering the application;</p> <p>Determination of a police objection to a temporary event notice.</p> <p>Where a relevant representation has been made:</p> <p>Application for a personal licence;</p> <p>Application for a premises licence or club premises certificate;</p> <p>Application for a provisional statement;</p> <p>Application for variation to a premises licence or club premises certificate;</p> <p>Application to vary a designated personal licence holder;</p> <p>Application for transfer of a premises licence;</p> <p>Application for interim authority.</p> |
| <p>To consider matters concerning the discharge by the Council of its licensing functions under the Gambling Act 2005.</p> | <p>Application for a premises licence where representations have been received and not withdrawn.</p> <p>Application for variation to licence where representations have been received and not withdrawn.</p> <p>Application for a transfer of a licence where representations have been received from the Gambling Commission.</p> |

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL CONSTITUTION

| Functions | Matters Reserved for a Decision |
|-----------|---|
| | <p>Application for a provisional statement where representations have been received and not withdrawn.</p> <p>Review of a premises licence.</p> <p>Application for club gaming/club machine permits where objections have been received and not withdrawn.</p> <p>Cancellation of club gaming/club machine permits.</p> |

4.2 TAXI AND PRIVATE HIRE SUB-COMMITTEE (A STANDING GROUP OF THE LICENSING COMMITTEE)

Membership: Five councillors

Quorum: Three councillors

| Functions | Matters Reserved for a Decision |
|--|--|
| To consider all outstanding hackney carriage and private hire licensing issues which are referred to it. | To determine any matters referred to it. |

5. INVESTIGATORY COMMITTEE

Membership: Three councillors

Quorum: Three councillors

| Functions | Matters Reserved for a Decision |
|---|--|
| To determine disciplinary cases involving chief officers. | To determine any matters referred to it. |

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| | <ol style="list-style-type: none"> 3 To authorise the issue and service of Stop Notices to support Enforcement Notice proceedings. 4 To consider "special urgency" applications which require a reply within 14 days, and to take appropriate action arising from planning applications submitted by government departments under Department of the Environment Circular 18/84 (Crown Land and Crown Development). 5 To consider published planning policy guidance (PPG's) and circulars/white papers etc for adoption subject to any issue of local policy being referred to the Council for determination. 6 To consider the local statutory development plan and non-statutory planning policy guidance for information. 7 To receive petitions in accordance with the Council Procedure Rules. 8 To agree consultation responses on Technical Planning Policy Issues. 9 Approval of Technical Non-Statutory Planning Guidance (e.g. development control guidelines). 10 Confirmation of orders under Sections 198 and 201 of the Town and Country Planning Act 1990 for the preservation of trees in the Borough, where objections have been received. 11 To exercise the functions contained within Part 8 of the Anti Social Behaviour Act 2003 relating to High Hedges. | |
| <p>Licensing Committee (11 Members of the Authority) No Executive Member other than the Commissioner with responsibility for Licensing functions or Mayor</p> | <ol style="list-style-type: none"> 1 To determine annually the number and allocation of Hackney Carriages. 2 Within the Policy Framework agreed by the Council to determine operational guidelines on Taxi Licensing. | <p>1-11 (inclusive) Most Operational aspects fall to be dealt with by Officers under the Scheme of Delegation.</p> |

| | | |
|--|--|--|
| | <p>3 To consider and determine applications for licences for Private Hire Vehicles, operators and drivers and Hackney Carriage drivers where (1) the individuals involved have been convicted of traffic or other offences (2) Where the CRB checks on an individual gives cause for concern with regard to their suitability as a fit and proper person to hold such a license (3) in any other special circumstances where the Officers consider it appropriate to refer the matter to the Committee.</p> <p>4 To exercise the functions of the Licensing Act 2003</p> <p>5 To exercise the functions of the Gambling Act 2005</p> <p>6 To determine conditions of licences; set fares and charges; and to determine the extent of delegation to Officers regarding the issue or suspension of licences under Part II of the Local Government (Miscellaneous Provisions) Act 1976 relating to Hackney Carriages and Private Hire Vehicles and to authorise enforcement action.</p> <p>7 To hear and determine any appeal against a decision of the Strategic Director of Law and Corporate Governance taken under delegated powers to refuse an application for approval of premises or to revoke any approval previously granted under the Marriage Act 1994.</p> <p>8 To consider and determine applications for the exhibition of films which have not been allocated a film category by the British Board of Film Classification.</p> <p>9 To determine such other licensing appeals or other licensing matters referred by the Officers from time to time including but not restricted to:</p> <ul style="list-style-type: none"> (a) Private Places of Entertainment (b) Public Entertainment (c) Sex Establishments (d) Street Trading. | <p>A Licensing Hearing Sub Committee will be appointed to hear licensing applications referred to Committee.</p> |
|--|--|--|

| Body Responsible | Functions | Functions |
|--|---|---|
| | <p>10 To consider any issues of major new policy with regard to licensing matters and to make recommendations thereon to the Council.</p> <p>11 Health and Safety at Work Regulatory Matters.</p> <p>12 Regulatory functions in respect of control of pollution (air, water and land); statutory nuisances and other environmental protection functions.</p> <p>13 To receive petitions in accordance with the Council Procedure Rules.</p> | |
| <p>Standards Committee No Executive Member, Mayor or Chair/Vice Chair of Planning, Licensing or Employment and Appeals Committee</p> <p>Must Include at least two Elected Members and one Independent Non Elected Member</p> <p>No requirement to be politically proportionate</p> | <ol style="list-style-type: none"> 1. Promoting and maintaining high standards of conduct by Members, Co-opted Members and Church and Parent Governor Representatives. 2. Assisting Co-opted Members and Church and Parent Governor representatives to observe the Council's Ethical Framework including the Local Code of Conduct. 3. Advising the Council on the adoption or revision of the Council's Ethical Framework including the Local Code of Conduct. 4. Monitoring the operation of the Council's Ethical Framework including the Local Code of Conduct. 5. Advising, training or arranging to train Members and Co-opted Members and Church and Parent Governor representatives on matters relating to the Council's Ethical Framework including the Local Code of Conduct. 6. Granting dispensations to Members, Co-opted Members and Church and Parent Governor representatives from requirements relating to interests set out in the Local Code of Conduct. 7. Dealing with any reports from a Case Tribunal or Interim Case Tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer. | <p>1-11 (inclusive) Operational aspects are to be dealt with by Officers under the Scheme of Delegation.</p> <p>This matter is delegated to the Standards (Local Determination) Sub Committee</p> |

SOUTH DERBYSHIRE DISTRICT COUNCIL COMMITTEES RESPONSIBILITIES FOR FUNCTIONS

LICENSING & APPEALS COMMITTEE

| | |
|------|---|
| LA01 | To exercise licensing and registration requirements under the Licensing Act 2003 and Gambling Act 2005 and to appoint Sub-Committees of three Members (two Members of majority Group and one Member of opposition) to consider the following matters. |
| | To consider applications and appeals relating to licensing matters in accordance with Government guidance and Regulations under the Licensing Act 2003 and Gambling Act 2005 which are not delegated to Officers. |
| LA02 | To consider applications for and, where appropriate, renewals of miscellaneous licences (including house-to-house and street collections, gaming machines and lotteries & amusements permits). |
| | To consider applications for sundry licences (including street trading, scrap metal dealers). |
| LA03 | To operate the Discretionary Rate Relief, Discretionary Rural Rate Relief and Hardship Relief Schemes and Discretionary Housing payments in respect of Housing and Council Tax Benefits. |
| | To determine all housing-related appeals (including those in respect of Introductory Tenancies, homelessness and the housing register). |
| | To consider all appeals in respect of applications for, renewals and the suspension or revocation of Hackney Carriage and Private Hire Licences. |
| | To determine all personnel-related appeals (including job evaluation and other grading appeals, disciplinary and dismissal hearings). |

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REGULATORY COMMITTEE (cont...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|--------------------|--|--|
| | <p>3. Power to decline to determine an application for planning permission contained in Paragraph 70A of the Town and Country Planning Act, 1990.</p> <p>4. Determination whether prior approval is required (including determinations under Parts 11,17,19,20, 21,22,23,26 & 30 of the General Permitted Development Order)</p> <p>5. Determination of approvals to and agreements to certain other matters relating to the exercise of permitted development rights.</p> <p>6. Determination of consent for the display of advertisements.</p> <p>7. Institution of legal proceedings pursuant to Section 224 of the Town and Country Planning Act, 1990 re: unauthorised advertisements.</p> <p>8. Determination of applications for a certificate of existing or proposed lawful use of development.</p> | <p>Development Control Manager</p> <p>Development Control Manager</p> <p>Development Control Manager</p> <p>Development Control Manager</p> <p>Head of Legal and Licensing Services</p> <p>Development Control Manager</p> |

REGULATORY COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|--------------------|--|--|
| | <p>9. Determination of application for listed building consent, and related powers as contained in Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990.</p> <p>10. Determination of applications for conservation area consent.</p> <p>11. Determination of applications for hazardous substances consent, and related powers.</p> <p>In exercising delegated powers 1 and 5 to 11 the Development Control Manager will notify electronically all councillors who have e-mail facilities via the Group Mail councillors address on the Council's e-mail system of the applications received at the same time and with broadly the same information as is given to "neighbour" consultees, giving the same time for observations.</p> | <p>Development Control Manager</p> <p>Development Control Manager</p> <p>Development Control Manager</p> |

REGULATORY COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|--------------------|--|------------------------|
| | <p>The Development Control Manager shall not refuse any application (or approve any application which the Council's Space About Dwellings Standards in terms of rear garden length; but meets all other space about dwellings standards in terms of rear garden area and distances between facing principal windows) exercising delegated powers 1 and 5 to 11 without having first notified electronically all councillors by the means set out above and affording the councillors three clear working days to reply to the aforementioned notification.</p> <p>The Development Control Manager shall exercise delegated powers 1 and 5 to 11 only after having taken into account all representations received in response to notification and consultation.</p> <p>The Development Control Manager shall not exercise delegated powers 1 and 5 to 11 when one or more of the following circumstances apply:</p> <p>i) a member makes a written request for it to be referred to Committee.</p> | |

REGULATORY COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|--------------------|---|------------------------|
| | <ul style="list-style-type: none"> ii) the proposed decision is contrary to the policies and proposals of the Development Plan. iii) development of telecommunications involving new masts. iv) the Council is the applicant or landowner. v) the applicant is a member of the Council. vi) the applicant is a member of Development or Building Control Services or a Senior Manager (Management Team/Heads of Service/Service Managers). vii) Where the Development Control Manager has received a letter or e-mail of objection on planning grounds from a member of the public or Parish Council he/she will notify Members electronically of the receipt of such an objection provided it is within the prescribed consultation period; following this | |

REGULATORY COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|-------------|---|---|
| | <p>notification a Member may exercise his/her right to refer the application to the Regulatory Committee under sub- paragraph(i) above providing that it is within the prescribed consultation period.</p> <p>The limit to delegation set out above shall not apply:</p> <p>i) in relation to the approval of matters reserved for subsequent approval by a condition on a planning permission, but excluding the design, siting, means of access or external appearance of a building.</p> <p>ii) the approval of minor amendments to an approved development where the amendments would not conflict with any consultation responses previously received.</p> <p>12. The determination of responses to consultations with this Council as Local Planning Authority of and by other local authorities and statutory bodies, subject to consultation with the ward members.</p> | <p>Development Control Manager, Landscape Planning Manager or Development Plans Manager as appropriate.</p> |

REGULATORY COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|--------------------|---|--|
| | <p>13. Determination of applications under Pts 6,7,11,17,19,20,21,22,23, 24, 26,30 and 31 of the General Permitted Development Order</p> <p>Applications shall be notified to Parish Councils and to occupiers of properties immediately adjoining the site by the Development Control Manager and a period of 21 days be allowed for the receipt of any representations. In determining applications, the Development Control Manager shall take into account any representations made in respect of the siting and design of the proposed development and the policies of the Development Plan applicable at the time.</p> <p>14. Service of a completion notice</p> <p>15. To enter into or amend an agreement pursuant to Section 106 of the Town and Country Planning Act, 1990.</p> <p>16. To determine commuted sums for Section 106 Agreements relating to adoption of open space</p> <p>17. Power to serve a planning contravention notice</p> <p>18. The authorisation of an Enforcement Notice, Breach of Condition Notice, Section 215 Notice, Stop Notice,</p> | <p>Development Control Manager</p> <p>Development Control Manager</p> <p>Head of Governance and Scrutiny Services</p> <p>Head of Legal and Licensing Services</p> <p>Landscape Planning Manager</p> <p>Head of Governance and Scrutiny Services</p> <p>Head of Governance and Scrutiny Services in consultation with the Development Control Manager</p> |

REGULATORY COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|--------------------|---|--|
| | <p>Listed Building Enforcement Notice, and Conservation Area Enforcement Notice.</p> <p>Before a Notice is issued by the Head of Governance and Scrutiny Services, the Development Control Manager shall have first notified electronically all Councillors of the authorisation of the Notice and have afforded all Councillors 3 clear working days to reply to the notification; the issuing of a Notice will only proceed under these delegated powers where there are no unresolved objections from Councillors.</p> <p>19. The making of Directions under Article 4 of the Town and Country Planning (General Permitted Development Order) 1995, or subsequent legislation.</p> <p>20. To approve direct action pursuant to Section 219 of the Town and Country Planning Act, 1990.</p> <p>21. To carry out or to instruct an appropriate contractor to carry out works comprising direct action authorised pursuant to Section 219 of the Town and Country Planning Act, 1990.</p> | <p>Head of Governance and Scrutiny Services</p> <p>Development Control Manager in consultation with the Head of Legal and Licensing Services</p> <p>Landscape Planning Manager</p> |

REGULATORY COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|--------------------|---|---|
| | <p>22. To take action to recover any costs incurred by the Council in taking direct action under Section 219 of the Town and Country Planning Act, 1990.</p> <p>23. The making of Discontinuance, Revocation and Modification Orders subject to the completion of a covenant not to claim compensation in respect of the Orders.</p> <p>24. Submission of an application for an award of costs re: appeals pursuant to the Town and Country Planning Act, 1990, having regard to Circular 8/93</p> <p>25. Power to apply for an injunction pursuant to Sections 187B of the Town and Country Planning Act, 1990.</p> <p>26. Power to apply for an injunction pursuant to Section 44(A) or 74(3) of the Listed Buildings and Conservation Areas Act, 1990.</p> <p>27. Power to execute urgent works pursuant to Section 54 of the Planning (Listed Buildings and Conservation Areas) Act. 1990 to preserve an unoccupied Listed Building and to recover expenses pursuant to Section 55.</p> | <p>Head of Legal and Licensing Services</p> <p>Head of Governance and Scrutiny Services</p> <p>Head of Legal and Licensing Services and the Development Control Manager</p> <p>Head of Legal and Licensing Services</p> <p>Head of Legal and Licensing Services</p> <p>Head of Governance and Scrutiny Services</p> |

REGULATORY COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|-------------|--|--|
| | <p>28. Action pursuant to Regulations 4, 5, and 10 of the Environmental Impact Assessment Regulations 1999</p> <p>29. To comment on behalf of the Council on:-</p> <p>(a) Consultations from adjoining local planning authorities</p> <p>(b) Applications made under circular 18/84</p> <p>(c) Overhead Lines</p> <p>(d) County Council matters.</p> <p>(e) County Council applications, after consultation with the appropriate ward member(s) electronically through the Council's e-mail system.</p> <p>(f) County Council determinations on applications to divert/extinguish public rights of way, after consultation with the appropriate ward member(s) electronically through the Council's e-mail system.</p> <p>(g) Consultations from outside bodies relating to landscaping /arboricultural matters.</p> | <p>Development Control Manager</p> <p>Development Control Manager</p> <p>Development Control Manager</p> <p>Development Control Manager</p> <p>Development Control Manager</p> <p>Head of Governance and Scrutiny Services</p> <p>Landscape Planning Manager</p> |

REGULATORY COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|--|--|--|
| B. Functions relating to Health and Safety at Work | 1. Functions under any of the "relevant statutory provisions" within the meaning of Part 1 (health safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer. | Environmental Health Manager (Commercial) Services |

REGULATORY COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|---|---|---|
| <p>C. Functions relating to elections and parishes including :</p> <p>(a) Including functions in relation to parishes and parish councils pursuant to Part II of the Local Government and Rating Act 1997 (c.29) and subordinate legislation under that part.</p> <p>(b) Power to dissolve small parish councils</p> <p>(c) Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.</p> <p>(d) Power to submit proposals to the Secretary of State for an order under Section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act, 2000.</p> | <ol style="list-style-type: none"> 1. Power to assign officers in relation to requisitions of the registration officer 2. Duty to provide assistance at European Parliamentary elections 3. Duty to divide constituency into polling districts. 4. Power to divide electoral divisions into polling districts at local government elections 5. Powers in respect of holding of elections 6. Power to pay expenses properly incurred by electoral registration officers. 7. Power to fill vacancies in the event of insufficient nominations 8. Duty to declare vacancy in office in certain cases 9. Duty to give public notice of a casual vacancy 10. Power to make temporary appointments to parish councils 11. Power to determine appropriate fees and conditions for supply of copies, or extracts from, election documents. | <p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p> |

REGULATORY COMMITTEE (Cont'd...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|---|--|---|
| <p>D. Functions relating to public rights of way</p> <p>(a) Power to stop up footpaths and bridleways</p> <p>(b) Power to determine applications for a public path extinguishment order.</p> <p>(c) Power to divert footpaths and bridleways</p> <p>(d) Power to make a public path diversion order</p> <p>(e) Power to decline to determine certain applications</p> <p>(f) Power to extinguish certain public rights of way.</p> <p>(g) Power to extinguish public rights of way over land acquired for clearance</p> <p>(h) Power to extinguish public rights of way over land held for planning purposes</p> <p>(i) Power to provide access in absence of agreement</p> | <p>1. Confirmation of unopposed Orders</p> | <p>Head of Governance and Scrutiny Services</p> |

REGULATORY COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|---|--|--|
| <p>E. The Following Miscellaneous Functions</p> <p>(a) Power to make limestone pavement order</p> <p>(b) Power to make closing order with respect to take-away food shops.</p> <p>(c) Powers relating to the protection of important hedgerows.</p> | <p>1. Power to make closing order with respect to take-away food shops.</p> <p>2. Powers relating to the protection of important hedgerows.</p> <p>Subject to the Landscape Planning Manager consulting District Councillors whose Wards comprise the parish in which the application arises the period for such consultation process being 14 days and subject to there being no unresolved objections from councillors.</p> <p>The Landscape Planning Manager shall not refuse any such application without having first notified electronically all councillors for the relevant parish and affording the councillors three working days to reply to the aforementioned notification.</p> | <p>Head of Environmental Health (General) Services</p> <p>Landscape Planning Manager</p> |

REGULATORY COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|---|---|-----------------------------------|
| <p>(d) Powers relating to the preservation of trees</p> | <p>3. Determination of applications to fell or carry out works to trees protected by a tree preservation order or trees within conservation areas.</p> <p>Subject to the Landscape Planning Manager having carried out the same consultation as specified for items 1 and 5 to 11 in A (Planning Functions) above of all councillors for the parish in which the application arises and there being no unresolved objections from councillors, save that in the case of applications to fell or carry out works to trees in a conservation area the period for the aforementioned consultation process shall be 14 days.</p> <p>The Landscape Planning Manager shall not refuse any such application without having first notified electronically all councillors for the relevant parish and affording the councillors three working days to reply to the aforementioned notification.</p> | <p>Landscape Planning Manager</p> |

REGULATORY COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|--|--|---|
| <p>(e) Determination of complaints under Part 8 of the Anti-Social Behaviour Act, 2003, (High Hedges).</p> | <p>4. Making, amending, or revocation of Tree Preservation Orders</p> <p>Before making, amending, or revoking a Tree Preservation Order, the Head of Governance and Scrutiny Services shall be satisfied that the Landscape Planning Manager has carried out the same consultation exercise as specified for items 1 and 5 to 11 in A (Planning Functions) above and that there are no unresolved objections from councillors.</p> | <p>Head of Governance and Scrutiny Services</p> |
| | <p>5. Confirmation of unopposed Tree Preservation Orders</p> | <p>Head of Governance and Scrutiny Services</p> |
| | <p>6. Power to apply for an injunction pursuant to Section 214A of the Town and Country Planning Act, 1990, to restrain works to protected trees.</p> | <p>Head of Legal and Licensing Services</p> |
| | <p>7. The determination of complaints under Part 8 of the Anti-Social Behaviour Act, 2003 (High Hedges), excluding complaints relating to hedges owned or controlled by the Council.</p> | <p>Landscape Planning Manager</p> |

REGULATORY COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|---|--|---|
| <p>(f) To exercise the powers and duties of the Council pursuant to the Clean Neighbourhood and Environment Act, 2005 which may not be the responsibility of a member of the Executive</p> <p>(g) To institute legal proceedings pursuant to the powers and duties of the Council under the Clean Neighbourhood and Environment Act, 2005 which may not be the responsibility of a member of the Executive.</p> <p>(h) Power to make, amend, revoke or re-enact byelaws</p> | <p>Before issuing a decision on a complaint the Landscape Planning Manager shall give the relevant ward member(s) via e.mail three days' notice of the proposed decision, during which period the member(s) may request that the complaint is submitted to the Regulatory Committee for determination.</p> <p>8. To exercise the powers and duties of the Council pursuant to the Clean Neighbourhood and Environment Act, 2005 which may not be the responsibility of a member of the Executive</p> <p>9. To institute legal proceedings pursuant to the powers and duties of the Council under the Clean Neighbourhood and Environment Act, 2005 which may not be the responsibility of a member of the Executive.</p> | <p>Head of Environmental Health (General) Services and Environmental Health Manager (Commercial) Services</p> <p>Head of Legal and Licensing Services</p> |

REGULATORY COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|---|---|--|
| (i) Power to promote or oppose local or personal Bills | | |
| (j) Power to make payments or provide other benefits in cases of maladministration etc. | 10. Power to make payments or provide other benefits in cases of maladministration etc. | Chief Executive, in consultation with the Director of Finance |
| (k) Matters relating to local government pensions as specified in Regulations under Sections 7, 12 or 24 of the Superannuation Act, 1972. | 11. Matters relating to local government pensions as specified in Regulations under Sections 7, 12 or 24 of the Superannuation Act, 1972. | Director of Finance |
| (l) The Occupational Pension Scheme (Internal Dispute Resolution Procedures) Regulations, 1996 and the Local Government Pension Scheme (Amendments) Regulations, 2004 | 12. Determination of appeals pursuant to the Local Government Scheme (Amendment) Regulations, 2004. | Head of Human Resources in consultation with the Director of Finance |
| (m) Duty to make arrangements for proper administration of financial affairs etc as required by Section 151 of the Local Government Act, 1972 | 13. Duty to make arrangements for proper administration of financial affairs etc as required by Section 151 of the Local Government Act, 1972. | Director of Finance |
| (n) Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be) as required by the Accounts and Audit Regulations. | 14. Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be) as required by the Accounts and Audit Regulations. | Director of Finance |

REGULATORY COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|---|--|---|
| <p>(o) To receive reports from the Independent Remuneration Panel and to make recommendations to Council thereon.</p> <p>(p) Power to appoint officers as "proper officers"</p> <p>(q) The authorisation of officers, where necessary for the performance of their duties to enter premises, make inspections, and to enforce legislation contained in statutes, any regulations, order, or other statutory instruments made thereunder such authorities to be provided in writing to the relevant officer specifying the relevant legislation, regulations, orders, or statutory instruments.</p> <p>(r) To take the following actions in respect of contraventions arising from the exercise of any functions which are the responsibility of the Regulatory Committee as contained in Part 3 herein, including inter alia non-compliance with statutory provisions, statutory notices or conditions imposed on grants,</p> | <p>15. Power to appoint officers as "proper officers".</p> <p>16. The authorisation of officers, where necessary for the performance of their duties to enter premises, make inspections, and to enforce legislation contained in statutes, any regulations, order, or other statutory instruments made thereunder such authorities to be provided in writing to the relevant officer specifying the relevant legislation, regulations, orders, or statutory instruments.</p> <p>17. To take the following actions in respect of contraventions arising from the exercise of any functions which are the responsibility of the Regulatory Committee as contained in Part 3 herein, including inter alia non-compliance with statutory provisions, statutory notices or conditions imposed on grants,</p> | <p>Chief Executive</p> <p>Chief Executive</p> <p>Head of Legal and Licensing Services</p> |

REGULATORY COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|---|--|--|
| <p>licences, planning permissions and similar matters.</p> <p>i. the institution or defence of legal proceedings</p> <p>ii. the briefing of Counsel within existing budgetary provision</p> <p>iii. the issuing of formal cautions pursuant to Home Office Regulations.</p> <p>(s) Obtaining information concerning interests in land pursuant to Section 330 of the Town and Country Planning Act, 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976.</p> | <p>licences, planning permissions and similar matters.</p> <p>i. the institution or defence of legal proceedings</p> <p>ii. the briefing of Counsel within existing budgetary provision</p> <p>iii. the issuing of formal cautions pursuant to Home Office Regulations.</p> <p>18. Obtaining information concerning interests in land pursuant to Section 330 of the Town and Country Planning Act 1990, subject to prior authorisation of the proposed action for which the information is required. (The requirement of prior authorisation of the proposed action for which the information is required shall also be applied to any requisition issued pursuant to Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976 served in connection with the role of the Council as Local Planning Authority).</p> | <p>Head of Governance and Scrutiny Services/Head of Legal and Licensing Services</p> |

REGULATORY COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|---|--|--------------------------------|
| <p>(t) To appoint staff and to determine the terms and conditions on which they hold office, (including approval of any necessary changes to the establishment, subject to any such changes/appointments being funded from within existing staffing/consultancy budgets relevant to the Portfolio/Service Unit) and including procedures for their dismissal.</p> | <p>19. To appoint staff and to determine the terms and conditions on which they hold office, (including approval of any necessary changes to the establishment subject to any such changes/appointments being funded from within existing staffing/consultancy budgets relevant to the Portfolio/Service Unit) and including procedures for their dismissal.</p> | <p>Chief Executive</p> |
| | <p>The implementation of national pay scales and allowances for employees and members.</p> | <p>Director of Finance</p> |
| | <p>The determination of job titles</p> | <p>Chief Executive</p> |
| | <p>Temporary cover for sickness and maternity leave</p> | <p>Head of Human Resources</p> |
| | <p>Waiver of public advertisement where similar vacancy occurs within 12 months</p> | <p>Head of Human Resources</p> |
| | <p>The determination of claims up to £500 towards loss or damage to employees belongings during the course of their duties.</p> | <p>Head of Human Resources</p> |

REGULATORY COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|---|---|---|
| <p>(u) To carry out all functions contained within Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations, 2000 as amended if not contained within Section A to E above.</p> <p>(v) Approval of the Environmental Health (Commercial Services) Enforcement Policy</p> | <p>Payment of honoraria to non-Human Resources staff based on the difference between the salary of the person undertaking extra responsibility and the bottom of the grade of the person being covered for the relevant period with a factor for the proportion of extra responsibility undertaken.</p> <p>Payment of other honoraria</p> <p>Approval of the Environmental Health (Commercial Services) Enforcement Policy (subject to consultation with the Deputy Leader (Community Services) on those elements of the Policy relating to matters within that portfolio).</p> | <p>Head of Human Resources</p> <p>Chief Executive</p> <p>Environmental Health Manager (Commercial) Services</p> |

REGULATORY COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|--|--|---|
| <p>(w) To exercise the powers and duties of the Council pursuant to the Health Act, 2006 which may not be the responsibility of a member of the Executive.</p> <p>(x) To consider and determine requests for and to authorise the making of Designation Orders pursuant to the Criminal Justice and Police Act, 2001, to prohibit the consumption of alcohol in public places.</p> | <ol style="list-style-type: none"> 1. Power to enforce offences relating to the display of no-smoking signs. 2. Power to enforce offences relating to smoking in smoke-free places. 3. Power to enforce offences of failing to prevent smoking in smoke-free places. 4. Power to transfer enforcement functions to another enforcement authority (Smoke free (Premises and Enforcement) Regulations, 2006) | <p>Environmental Health Manager (Commercial) Services</p> <p>Environmental Health Manager (Commercial) Services</p> <p>Environmental Health Manager (Commercial) Services</p> <p>Environmental Health Manager (Commercial) Services</p> |

Note: The Regulatory (Appraisals) Sub-Committee will comprise the Leader of the Council, the Leader of the Main Opposition Group (or in the absence of such a Leader, a Councillor, nominated by the Leader of the Council, who shall not be a member of the controlling group on the Council); the Chairman of the Regulatory Committee and the Chairman of the Overview and Scrutiny Committee. The Sub-Committee will carry out appraisals of the Chief Executive and the Deputy Chief Executive.

(C) FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE LICENSING COMMITTEE

Note : (a) Unless otherwise stated, all functions set out in Column 1 below are delegated to the Licensing Committee. Delegations of those functions to officers are indicated in Column 2, together with the extent of and limit(s) to the delegation. The delegated powers in Section C shall not be exercised so as to conflict with approved Council policy or budgetary provision.

(b) The Committee will comprise 15 Councillors appointed by the Council at its Annual Meeting.

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO | |
|---|---|-----------------------------------|---|
| | | Delegated To Sub-Committees | Delegated To Head Of Legal & Licensing Services |
| 1. The Functions of the Council pursuant to the Licensing Act, 2003 (excluding Executive matters) | 1. The determination of the following in accordance with the Council's Licensing Policy:- | | |
| | application for personal licence | If a police objection received | 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 | If no relevant representation made |
| | application for provisional statement | If a relevant representation made | If no relevant representation made |
| | application to vary premises licence/club premises certificate | If a relevant representation made | If no relevant representation made |
| | application to vary designated premises supervisor | If a police objection received | All other cases |
| | request to be removed as designated premises supervisor | | All cases |

LICENSING COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO | |
|-------------|---|--------------------------------|---|
| | | Delegated To Sub-Committees | Delegated To Head Of Legal & Licensing Services |
| | application for transfer of premises licence | If a police objection received | All other cases |
| | applications for interim authorities | If a police objection received | All other cases |
| | application to review premises licence/club premises certificate | All cases | |
| | decision on whether an application, representation or complaint is irrelevant, frivolous, vexatious etc. | | All cases |
| | decision to make representations when the local authority is a consultee and not the relevant authority considering the application | All cases | |
| | responding to a temporary event notice. | | All cases |
| | determination of a police objection to a temporary event notice | All cases | |

LICENSING COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO | |
|---|--|--|---|
| <p>2. To make representations on applications received by the Council pursuant to the Licensing Act, 2003</p> | <p>As Local Planning Authority</p> <p>As enforcing Authority within the meaning of Section 18 of the Health and Safety at Work Act 1974.</p> <p>As the Authority having statutory functions for minimising or preventing the risk of pollution of the Environment or of harm to human health</p> | <p>Development Control Manager</p> <p>Environmental Health Manager (Commercial) Services</p> <p>Head of Environmental Health (General) Services</p> | |
| | | 3. DELEGATED TO | |
| <p>3. The Functions of the Council pursuant to the Gambling Act, 2005</p> | <p>(a) All functions excluding the passing of a "no casinos resolution" pursuant to Section 166 and the production of the three year gambling policy pursuant to Section 349.</p> | Delegated To Sub-Committees | Delegated To Head Of Legal & Licensing Services |
| | | <p>a) Determination of an application for a premises licence in respect of which of representations have been made under s161 (and not withdrawn),</p> <p>b) Determination of an application for the variation of a premises licence in respect of which representations have been made under s161 as applied by s187 (and not withdrawn),</p> | <p>All matters delegated to the Licensing Committee excluding:</p> <p>a) Determination of an application for a premises licence in respect of which of representations have been made under s161 (and not withdrawn),</p> <p>b) Determination of an application for the variation of a premises licence in respect of which representations have been made under s161 as applied by s187 (and not withdrawn),</p> |

LICENSING COMMITTEE (cont)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO | |
|--|---|--|--|
| | | Delegated To Sub-Committees | Delegated To Head Of Legal & Licensing Services |
| | <p>(b) Making recommendations to Council regarding the adoption of:</p> <p>(i) a "no casinos" resolutions pursuant to Section 166.</p> <p>(ii) the approval/adoption of the three year licensing policy pursuant to Section 349.</p> | <p>c) Determination of an application to transfer following representations by the Gambling Commission</p> <p>d) Determination of an application for a provisional statement under s204 in respect of which representations have been made under s161 as applied by s204 (and not withdrawn), and</p> <p>e) A review of a premises licence under s201.</p> | <p>c) Determination of an application to transfer following representations by the Gambling Commission</p> <p>d) Determination of an application for a provisional statement under s204 in respect of which representations have been made under s161 as applied by s204 (and not withdrawn), and</p> <p>e) A review of a premises licence under s201.</p> |
| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO | |
| <p>4. Other Licensing and Registration Functions</p> | <p>1. Determination of applications for caravan site licences.</p> <p>2. Determination of applications for camping site licences.</p> <p>3. Determination of applications to license Hackney Carriages and Private Hire Vehicles</p> <p>4. Determination of applications to license drivers of hackney carriages and private hire vehicles.</p> | <p>Environmental Health Manager (Commercial) Services</p> <p>Environmental Health Manager (Commercial) Services</p> <p>Head of Legal and Licensing Services</p> <p>Head of Legal and Licensing Services</p> | |

LICENSING COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|--------------------|---|---|
| | <p>5. Determination of applications to license operators of hackney carriages and private hire vehicles</p> <p>6. Determination of applications to register pool promoters.</p> <p>7. Determination of applications for granting track betting licences</p> <p>8. Determination of applications to licence inter-track betting schemes.</p> <p>9. Determination of applications to grant permits in respect of premises with amusement machines</p> <p>10. Determination of applications to register societies wishing to promote lotteries.</p> <p>11. Determination of applications to grant permits in respect of premises where amusements with prizes are provided.</p> <p>12. Determination of applications for sex shop and sex cinema licences.</p> | <p>Head of Legal and Licensing Services</p> <p>Head of Legal and Licensing Services</p> <p>Head of Legal and Licensing Services</p> <p>Head of Legal and Licensing Services</p> <p>Head of Legal and Licensing Services</p> <p>Head of Legal and Licensing Services</p> <p>Head of Legal and Licensing Services</p> <p>Head of Legal and Licensing Services</p> |

LICENSING COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|--------------------|---|---|
| | <p>14. Determination of applications for registration of acupuncturists, tattooist, ear piercers, hairdressers and the providers of electrolysis.</p> <p>15. Determination of applications to license pleasure boats and pleasure vessels</p> <p>16. Determination of applications to license scrap yards</p> <p>17. Determination of applications to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business</p> <p>18. Determination of applications for a Licence under the Dangerous Wild Animals Act, 1976</p> <p>19. Determination of applications under the Zoo Licensing Act, 1981</p> <p>20. Determination of applications to license knackers' yards</p> | <p>Environmental Health Manager (Commercial) Services</p> <p>Head of Legal and Licensing Services</p> <p>Head of Legal and Licensing Services</p> <p>Environmental Health Manager (Commercial) Services</p> <p>Environmental Health Manager (Commercial) Services</p> <p>Environmental Health Manager (Commercial) Services</p> <p>Environmental Health Manager (Commercial) Services</p> |

LICENSING COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|--------------------|---|---|
| | <p>21. Determination of applications to license persons to collect for charitable and other causes.</p> <p>22. Determination of applications for consents for the operation of a loudspeaker.</p> <p>23. Determination of applications for approval of premises for product-specific establishments subject to approval under Regulation 853/2004, and live bivalve molluscs and fresh meat establishments.</p> <p>24. Determination of applications for approval of shellfish dispatch or purification centres.</p> <p>25. Determination of applications for registration of auction and wholesale markets</p> <p>26. To maintain the Food Safety Act, 1990</p> <p>27. Imposition of appropriate conditions on licences, permits and registration referred to at 1-26 above.</p> | <p>Head of Legal and Licensing Services</p> <p>Head of Environmental Health (General) Services</p> <p>Environmental Health Manager (Commercial) Services</p> <p>Environmental Health Manager (Commercial) Services</p> <p>Head of Legal and Licensing Services</p> <p>Environmental Health Manager (Commercial) Services</p> <p>The appropriate Head of Service/Service Manager exercising delegated powers as referred to at 1-26 above.</p> |

LICENSING COMMITTEE (cont ...)

| 1. FUNCTION | 2. DELEGATION AND ASSOCIATED LIMITS TO THE DELEGATION | 3. DELEGATED TO |
|--------------------|--|--|
| | <p>28. Enforcement of the functions referred to at 1-26 above.</p> <p>29. Authority to set fees and charges relevant to the functions referred to at 1,2,13,14, and 17-20 above.</p> | <p>The appropriate Head of Service/Service Manager exercising delegated powers as referred to at 1-26 above.</p> <p>Environmental Health Manager (Commercial) Services</p> |

Note: **The Licensing Committee will appoint sub-committees each comprising 3 members of the Licensing Committee, to determine:**

- (1) Licensing Act, 2003, matters delegated to Sub-Committees.**
- (2) Internal appeals in respect of licensing decisions made by officers pursuant to delegated powers.**
- (3) Gambling Act, 2005, matters delegated to Sub-Committees**

3.3.7 Licensing Committee

| | |
|--|--|
| Membership: Fifteen Members of the Council. | |
| Functions | Delegation of Functions |
| <p>1. To consider and determine applications for the grant or variation of the following:</p> <ul style="list-style-type: none"> a) Premises Licenses, Personal Licences, Temporary Events Notices and Club Premises Certificates pursuant to the Licensing Act 2003 where relevant representations have been received; b) Special treatment licenses in respect of premises within the borough where objections have been received; c) Gaming permits, as defined by Schedule 9 (6) of the Gaming Act 1968, where objections have been received; d) Small lotteries registration, where objections have been received; e) Competitive bidding licenses, where objections have been received; f) Pools promotion registration, where objections have been received. g) Granting “hypnotism waivers” in accordance with Council policy. h) Any other application which the Corporate Director, Environment and Culture considers should be referred to the Committee for determination <p>2. To consider and determine applications for revocation and/or review of any licences which fall to be determined by the Committee in accordance with paragraph 1 a) to h) above</p> <p>3. To resolve not to issue a casino premises licence pursuant to section 166 Gambling Act 2005.</p> <p>4. To determine fees and charges for the issue, approval, consent, license, permit or other registration for functions for which the Committee has responsibility.</p> <p>5. To determine all aspects of licensing policy/procedure (excluding the determination of the Council’s Statement of Licensing Policy) and miscellaneous licensing matters, including the creation of Sub Committees for the purposes of the Licensing Act 2003.</p> <p>6. To consider the Council’s statement of licensing policy.</p> | <p>The Corporate Director, Communities, Localities and Culture (or any officer authorised by her/him) has the authority to consider and determine any applications for licenses not specifically reserved to the Licensing Committee by these terms of reference and all applications for licences where no objections have been received.</p> |
| Quorum: Three Members of the Committee | |

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Article 9 - The Standards Committee**9.1 Standards Committee**

The Council will establish a Standards Committee.

9.2 Role and Function

A. The Standards Committee will have the following roles and functions in relation to District and Parish Councils and Councillors (s55(1) LGA 2000):

- (a) promoting and maintaining high standards of conduct by Councillors;
- (b) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (c) monitoring the operation of the Members' Code of Conduct and assisting Members and co-opted Members to observe it;
- (d) advising, training or arranging to train Members and co-opted Members of the authority on matters relating to the authority's code of conduct;
- (e) granting dispensations to Councillors from requirements relating to interests set out in the Members' Code of Conduct;
- (f) dealing with any reports referred by the Monitoring Officer to it from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer or any other matters referred from the Monitoring Officer;
- (g) reviewing significant changes to the Constitution, as determined by the Proper Officer;
- (h) considering and reporting to the Council on breaches of Council Codes and Protocols by Members, as the Committee considers appropriate.

B. The Standards Committee will also have the roles and functions set out in the Local Government and Housing Act 2007.

(d) Standards Committee

| | |
|---|---|
| Membership: | Ten members (five elected members, three independent members and two parish members) |
| Quorum: | Five members (one of whom will be an independent member) |
| Functions | Delegation |
| <ol style="list-style-type: none"> 1. To promote and maintain high standards of conduct by councillors and co-opted members; 2. To assist councillors and co-opted members to observe the Members' Code Conduct; 3. To advise the Council on the adoption or revision of the Members' Code of Conduct; 4. To monitor the operation of the Members' Code of Conduct; 5. To advise, train or arrange to train councillors and co-opted members on matters relating to the Members' Code of Conduct; 6. To grant dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct; 7. To deal with any reports from the Adjudication Panel and any reports from the monitoring officer on matters other than the local determination of complaints; 8. To determine any reports from the monitoring officer on the local determination of complaints; 9. To receive allegations that a member has breached the Members' Code of Conduct and determine whether such allegations require further action or not; 10. To consider requests for reviews of decisions that allegations that a member has breached the Members' Code of Conduct require no further action or not; 11. To exercise 1 to 10 above in relation to the parish/town councils wholly or mainly in the | <p>Items 8, 9, 10, 11 (to the extent that it refers to reports from the monitoring officer on the local determination of complaints against members of parish/town councils) and 12 have been delegated by the Standards Committee to the Standards Panel.</p> <p>The Standards Panel will comprise between three and five members selected by the Monitoring Officer on the basis of availability from the members and reserve members of the Committee so that it includes at least one Independent Member and if the complaint is about a member of a parish/town council at least one Parish Member. The Standards Panel will follow the Procedure Rules for local determination hearings and the Procedure Rules for determining non-Code of Conduct complaints in Part 4 of the Constitution when exercising these functions.</p> |

Council's area and the members of those parish/town councils;

12. To determine any reports from the monitoring officer into complaints that members of the Borough Council have breached one of the Council's codes or protocols, other than the Members' Code of Conduct;
13. To monitor the operation of and advise the Council on the adoption or revision of codes and protocols relating to standards issues other than the Members' Code of Conduct;
14. To advise, train or arrange to train councillors and co-opted members on matters relating to codes and protocols relating to standards issues other than the Members' Code of Conduct;
15. To make recommendations to the Cabinet or Council on major amendments to the Council's Constitution which involve standards issues;
16. To consider applications for exemptions from the political restrictions which apply to the applicant's post;
17. To give directions to the Council requiring it to include a post in the list of politically restricted posts.

Article 9 – The Standards Committee

Explanation:

To set out the membership, role and function of the Standards Committee.

9.01 Standards Committee

The Council has established a Standards Committee.

9.02 Composition

(a) **Membership.** The Standards Committee comprises:

- three Councillors, other than the Mayor or Leader, one from each political group;
- **three** persons who are not Councillors or Officers of the Council or of any other body having a Standards Committee (the Independent Members);
- three Members of a Parish Council wholly or mainly in the Council's area, not being a Member of the Borough Council (Parish Members).

(b) **Independent Members.** Independent Members will be entitled to vote at meetings. At least one Independent Member must be present at all Standards Committee or Subcommittee meetings. Any independent members must comply with the requirements set out in the Guidance issued by the Standards Board and that guidance will be used to select the independent members.

(c) **Parish Members.** Parish Members will be entitled to vote at meetings. At least one parish Member must be present when matters relating to Parish Councils or their Members are being considered.

(d) **Chairing the Committee.** The chair of the Standards Committee will be one of the independent members, as selected by the Council at the start of the four year cycle or at the next available meeting of the Council, if the position becomes vacant during that period.

(e) **Quorum.** Subject to clauses (b) and (c) above, the quorum of the Standards Committee and Subcommittees is 3 voting members.

(f) **Sub-Committees.** For the purpose of local assessment, review of complaints and consideration of investigation reports, a Sub-Committee will be called, comprising of 3 members of the Standards Committee, to be chaired by an independent chair and include a Parish representative (where the complaint concerns a Parish Councillor).

9.03 Role and Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors and co-opted Members;
- (b) assisting the Councillors and co-opted Members to observe the Members' Code of Conduct;

- (c) advising the Council on the adoption or revision of the Members' Code of Conduct and protocols for Members and/or officers
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train the Mayor, Councillors and co-opted Members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to Councillors and co-opted Members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) dealing with any reports from a case tribunal, Standards Committee or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by the Standards committee to the Monitoring Officer.
- (h) overview of any Anti-Fraud and Corruption Policy.
- (i) keep under review the Council's complaints procedures.
- (j) keep under review the Members' and Officers' Registers of Interests.
- (k) overview Ombudsman investigations.
- (l) exercising (a) to (g) above in relation to the Parish Councils wholly in Hinckley & Bosworth Borough Council's area and their elected Members.
- (m) initial assessment of complaints concerning elected and co-opted Members.
- (n) dealing with dispensations relating to politically restricted posts.
- (o) granting dispensations to employees from political restrictions.

All Members of Standards Committee must undertake specific training relating to the functions of the Committee within 6 months of being approved, unless they have already undertaken training in the last 12 months.

9.04 Terms of Reference - Standards Sub-Committees

1. Standards (Assessment) Sub-Committee

- 1.1 The purpose of the Standards (Assessment) Sub-Committee will be to receive and consider all written complaints that allege that any member or co-opted member of the authority concerned has failed, or may have failed to comply with that authority's code of conduct.
- 1.2 The Standards (Assessment) Sub-Committee must take one of the following decisions once it has considered the complaint put before it:
 - 1 That no action be taken in respect of the complaint;
 - 2 That the complaint be referred to the monitoring officer for investigation or other action;
 - 3 That the complaint be referred to the Standards Board for England.

2. Standards (Review) Sub-Committee

- 2.1 The purpose of the Standards (Review) Sub-Committee is to review the decision of the Standards (Assessment) Sub-Committee that no action be taken in respect of the complaint made, if the person making the complaint has requested that a review be held.

10. ARTICLE 10 – THE STANDARDS COMMITTEE

10.1 Standards Committee

The Council will establish a Standards Committee.

10.2 Composition

Political Balance

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

Membership

The Standards Committee will be composed of:

five Councillors other than the Leader and the Chairman of the Council;

two persons who are not Councillors or officers of the Council or any other body having a Standards Committee (an independent member);

one member of a Parish Council wholly or mainly in the Council's area (a Parish member)

Independent members

Independent members will be entitled to vote at meetings;

Parish members

At least one Parish member must be present when matters relating to those Parish Councils or their members are being considered;

Chairing the Committee

A member of the Executive may not chair the Committee.

10.3 Quorum

The quorum for a meeting of the Standards Committee shall be three, which must include at least one independent member.

The Standards Committee will have the following role and functions:

- (a) Promoting and maintaining high standards of conduct by Councillors and co-opted members;
- (b) assisting the Councillors and co-opted members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct; **(NB Regulations are required from the Secretary of State to enable the Standards Committee to do this);**
- (g) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an ethical Standards Officer to the Monitoring Officer;
- (h) the exercise of (a) to (g) above in relation to the Parish Councils wholly or mainly in its area and the members of those Parish Councils;
- (i) such other functions as may be delegated by the Council as shown in Schedule 3 of this Constitution.

Article 8 – The Standards Committee

Standards Committee

8.1 The Council meeting will establish a standards committee.

Composition

- 8.2 (a) **Membership.** The Standards Committee will be composed of
- three Councillors;
 - four persons who are not councillors or officers of the Council or any other body having a standards committee (Independent Members) the Term of Office of the Independent Members will be five years;
 - two members of a parish council wholly or mainly in the Council's area (a parish member);
- (b) **Independent Members.** Independent Members will be entitled to vote at meetings;
- (c) **Parish Members.** Parish Members must be present when matters relating to those parish councils or their members are being considered. Parish Members will be entitled to vote at meetings.
- (d) **Parish Councils Sub-committee.** The Standards Committee will include a sub-committee to exercise the function set out in Article 8.3 below. The sub-committee will include at least one Independent Member and one Parish Member.
- (e) **Chairing the Committee.** The Committee will be chaired by an Independent Member.

Role and Function

- 8.3 The Standards Committee will have the following roles and functions:
- (a) promoting and maintaining high standards of conduct by Councillors and Co-opted Members;
 - (b) assisting the Councillors and Co-opted Members to observe the Councillor's Code of Conduct;
 - (c) overseeing the development, implementation and review of an ethical framework and codes of conduct for Councillors, Co-opted Members and officers;
 - (d) monitoring the operation of the Councillors' Code of Conduct;
 - (e) providing advice and guidance to Members and employees and making arrangements for training in connection with any matters within the terms of reference of the Committee;
 - (f) granting dispensation to Councillors and Co-opted Members from requirements relating to interests set out in the Councillors' Code of Conduct.

- (g) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter including any allegations or complaints about bullying, harassment or intimidation or any matter which is referred by an ethical standards officer to the Monitoring Officer.
- (h) Making recommendations from time to time for amendments to the Council's Disciplinary and Grievance procedures arising out of any matter within the Committee's Terms of Reference generally in connection with the Public Interest Disclosure Act 1998;
- (i) Responding to issues raised by the Local Government Association and Central Government and any other organisation about any matter relating to the general principles of conduct for Members or employees of the Council;
- (j) Liaising between the Council and external agencies, in particular the External Auditor and the Local Government Ombudsman, in connection with any matter within the Committee's Terms of Reference;
- (k) Developing guidance in relation to Members' conduct whilst representing the Council on outside partnerships, companies or organisations;
- (l) Providing guidance on, and keeping under review, arrangements for the declaration of Members' financial and non-financial interests;
- (m) The exercise of (a) to (l) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils.
- (n) To raise awareness and advise and encourage training on the effects of bullying harassment and intimidation, and the avoidance thereof.

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL CONSTITUTION

6. APPEALS COMMITTEE

Membership: Nine councillors

Quorum: Three councillors

| Functions | Matters Reserved for a Decision |
|---|---|
| To determine appeals by employees of the Council against dismissal, grading and grievances. | To determine any matter referred to it. |

7. STANDARDS COMMITTEE

Membership: Five councillors
Five independent members
Four parish councillors

Quorum: Three District councillors and one independent member of the Standards Committee.

A parish council representative must also be present if any matters relating to parish councils are to be discussed.

| Functions | Matters Reserved for a Decision |
|--|--|
| <p>The Council is required by law to appoint a Standards Committee and it has the following statutory roles and functions:</p> <p>Promoting and maintaining high standards of conduct by councillors and co-optees.</p> <p>Assisting the councillors and co-optees to observe the Members' Code of Conduct.</p> <p>Advising the Council on the adoption or revision of the Members' Code of Conduct.</p> | To determine any issues referred to the Committee (except for any matter reserved to Council). |

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL CONSTITUTION

| Functions | Matters Reserved for a Decision |
|--|--|
| <p>Monitoring the operation of the Members' Code of Conduct.</p> <p>Advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct.</p> <p>Granting dispensations to councillors from requirements relating to interests set out in the Members' Code of Conduct as appropriate.</p> | |
| <p>Dealing with any reports from a Case Tribunal or Interim Case Tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer.</p> <p>Dealing with any case referred back from the Standards Board for England for local investigation and local determination and to operate a local filter of cases as appropriate.</p> <p>And, in addition, the Standards Committee also oversees the ethical framework of the Council including oversight of:</p> <ul style="list-style-type: none"> • the Whistle Blowing Policy • complaints handling • Ombudsman investigations. | |
| <p>To exercise the above functions for the parish councils wholly or mainly in its area and the members of those parish councils.</p> <p>Overseeing the whistle blowing policy.</p> <p>Overseeing complaints handling and Ombudsman investigations.</p> | |

ARTICLE 9 – THE STANDARDS COMMITTEE**Standards Committee**

- 1 The Council will establish a Standards Committee.

Composition

- 2 General

The Standards Committee does not have to comply with the political proportionality rules set out in Section 15 of the Local Government and Housing 1989 Act.

Parish Council business will be conducted through the main committee and this arrangement will be reviewed after one year.

- 3 Membership

The Standards Committee will be composed of at least:

- (a) Six Members (and shall not include the Leader, Commissioners, Mayor and Deputy Mayor and the Chairs and Vice Chairs of Planning and Licensing Committee) at least three of whom must be drawn from the Opposition
 - (b) Four persons who are not Members or officers of the Council or any other body having a standards committee (Independent Members).
 - (c) One Member of a Parish Council wholly or mainly in the Council's area (a Parish Member)
- 4 Independent Members, the Parish Council Member and, in his/her absence, his/her Standing Deputy will be entitled to vote at meetings.
- 5 Parish Members.
- (a) At least one Parish Member must be present when matters relating to those Parish Councils or their Members are being considered.
 - (b) The Parish Councils wholly or mainly in the Council's area will nominate the Parish Council Member to serve on the Committee and a Standing Deputy to act in his/her place in the event of the Member being unable to act. In the event of more than one nomination being received in respect of the Parish Council Member and/or the Standing Deputy the matter will be referred to the Council for agreement on the recommendation of the Standards Committee.

Quorum

- 6 The quorum of the Committee shall be
- (a) Subject to (b) below a minimum of three Members including at least one Independent Member. If matters relating to parish councils or their members are

to be considered one of the three must be the Parish Council Member or his/her Standing Deputy.

- (b) Where an Independent Member is prevented from participating under the Council's Local Code of Conduct for Members referred to in Part 5 of the Constitution, the requirement to have one Independent Member shall not apply.

Chair

- 7 The Chair of the Committee will be an Independent Member elected by the Committee.

Roles and Functions

- 8 The Standards Committee will have the following roles and functions:
 - (a) Promoting and maintaining high standards of conduct by Members, Co-opted Members and Church and Parent Governor Representatives.
 - (b) Assisting Co-opted Members and Church and Parent Governor representatives to observe the Council's Ethical Framework including the Local Code of Conduct.
 - (c) Advising the Council on the adoption or revision of the Council's Ethical Framework including the Local Code of Conduct.
 - (d) Monitoring the operation of the Council's Ethical Framework including the Local Code of Conduct.
 - (e) Advising, training or arranging to train Members and Co-opted Members and Church and Parent Governor Representatives on matters relating to the Council's Ethical Framework including the Local Code of Conduct.
 - (f) Granting dispensations to Members, Co-opted Members and Church and Parent Governor representatives from requirements relating to interests set out in the Local Code of Conduct.
 - (g) The exercise of (a) to (f) above in relation to the Parish Councils wholly or mainly in its area and the Members of those Parish Councils.
 - (h) Keep under review and make recommendations to the Council on the Whistle-Blowing Policy and Procedure.
 - (i) In conjunction with the Monitoring Officer to produce an annual report for submission to Council for information on matters within the purview of the Committee.
 - (j) To put in place and keep under review arrangements for monitoring Members' performance.
 - (k) To receive and consider reports on individual Members' performance.
 - (l) To decide any requests from a Member or Officer for indemnity as set out in the Council's adopted Policy on Terms of Indemnity.

Article 8 – The Standards Committee

8.01 Form and Composition

The Council will establish a Standards Committee. The functions of this Committee are set out below.

(a) Membership

The Standards Committee will be composed of 11 members:

- (i) three Councillors including the Chairman of the Council, being two Members from the majority party and one Member from the minority party (District Council Members);
- (ii) five people who are not Councillors or Officers of the Council or on any other body having a Standards Committee, one of which shall Chair the Committee (Independent Members);
- (iii) three members of Parish Councils wholly or mainly in the Council's District nominated by the Derbyshire Association of Local Councils (Parish Members).

(b) Independent Members

Independent Members will be entitled to vote at meetings.

(c) Parish Members

At least one Parish Member must be present when matters relating to Parish Councils or their members are being considered.

(d) Quorum

The quorum of a meeting will be 3 (including at least 1 District Council Member and 2 Independent Members and where Parish Council business is being discussed the quorum shall be 4 (which in addition to the above must include at least 1 Parish Member).

(e) Sub-Committees

The following Standards Sub-Committees have been created:

- Initial Assessment
- Review
- Hearing

The Terms of Reference of each Sub-Committee are set out in Article 8A.

8.02 Role and Function

The Standards Committee will discharge the general and specific functions as specified in Section 54 of the Local Government Act 2000 (and elsewhere in Part III of the Act), including the following roles and functions:

- (a) to promote and maintain high standards of conduct for Councillors and Co-opted Members;
- (b) to assist the Councillors and Co-opted Members to observe the Members' Code of Conduct set out in Part 5 of this Constitution;
- (c) to advise Full Council on the adoption or revision of the Members' Code of Conduct and any other Codes and Protocols as necessary;
- (d) to monitor the operation of the Members' Code of Conduct;
- (e) to advise, and to provide or arrange for training for Councillors and Co-opted Members on matters relating to the Members' Code of Conduct;
- (f) to grant dispensations to Councillors and Co-opted Members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) to deal with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer of the Standards Board for England to the Monitoring Officer;
- (h) to assess all written complaints alleging a breach of the Members' Code of Conduct against a Councillor or Co-opted Member, review such decisions and hear and determine any allegations;
- (i) to monitor the operation of the Council's Local Code of Corporate Governance on a half-yearly basis in conjunction with the Audit Sub-Committee and report findings and make recommendations to Full Council;
- (j) to deal with any reports from the Monitoring Officer or the Director of Corporate Services on matters relating to probity issues;
- (k) to exercise (a) to (h) above in relation to the Parish Councils wholly or mainly in its District and the members of those Parish Councils.
- (l) to discharge such other functions, either general or specific, as Full Council may from time to time allocate to the Committee.

10. ARTICLE 10 – THE STANDARDS COMMITTEE

10.1 Standards Committee

10.1.1 The Council will establish a Standards Committee comprising:

- six councillors other than the Chairman and the Leader of the Council.
- six persons who are not Councillors or officers of the Council or any other body having a Standards Committee (independent members);
- three members of Parish Councils wholly or mainly in the Council's area and who are not a member of South Staffordshire Council (Parish Members), plus three alternate Parish Members (N.B. a Parish Council may have only one Parish Member of the Standards Committee or alternate Parish Member of the Standards Committee)

10.1.2 Independent Members and Parish Members (or alternate Parish Members acting in the absence of their nominated Parish Members if present) will be entitled to vote at meetings.

10.1.3 The Standards Committee does not have to comply with political balance rules under Section 15 of the Local Government and Housing Act 1989. Notwithstanding this provision, the six councillors from South Staffordshire Council will be appointed to reflect the political balance of the Council.

10.2 Parish Members

At least one parish member must be present when matters relating to Parish Councils or their members are being considered.

10.3 Chairing the Committee

Only an independent member shall be eligible for election as Chairman of the Standards Committee or of a sub-committee of the Standards Committee.

10.4 Quorum

10.4.1 The quorum for a meeting of the Standards Committee shall be 4, which must include at least one independent member (and is subject to the requirement at 10.2 when matters pertaining to Parish Councils or Parish Councillors are being considered).

10.4.2 The quorum for a meeting of a sub-committee of the Standards Committee shall be 3, which must include at least one independent member (and is subject to the requirement at 10.2 when matters pertaining to Parish Councils or Parish Councillors are being considered).

10.5 Roles and Function

The Standards Committee will have the following roles and functions:

- To promote high standards of conduct by Councillors (including Parish Councillors).

- To advise the Council and the Parish Councils on the adoption or revision of their Code of Conduct.
- To advise the Council on the operation of the Code of Conduct.
- To monitor that such Codes of Conduct have been adopted by the Council and the Parish Councils and that Members of the Councils concerned have signed to accept the provisions of the relevant Code.
- To ensure that arrangements are made for advice to be available to assist members to comply with the adopted Codes of Conduct.
- To ensure that arrangements are put in place for keeping and updating the Registers of Members' Interests for the Council and for the Parish Councils.
- Advising on training for Councillors, Parish Councillors and co-opted members on matters relating to the Code of Conduct.
- The granting and supervision of exemption from political restriction for employees as defined in the Local Government and Housing Act, 1989 (i.e. employees holding "politically restricted" posts)
- Functions relating to standards of conduct of councillors under any relevant provision of or under the regulations made under the Local Government Act 2000.
- To consider any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter which is referred by the Standards Board for England to the Monitoring Officer or which falls within the remit of the Standards Committee under the Standards Committee (England) Regulations 2008, and making determinations thereon, or on any other matter which falls within the jurisdiction of the Monitoring Officer.
- The determination of applications from District and Parish Councillors for dispensations pursuant to the Local Government Act 2000 and the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002.
- To consider appeals against disciplinary action (including dismissal) grading applications (until such time as job evaluation is implemented) and grievances by employees of the Council.
- To advise the Council on its Code of Corporate Governance/Ethical Governance Framework.
- To monitor and to advise the Council on its "whistleblowing" policy.
- The Council's formal complaints procedure.
- To determine appeals against public interest test decisions under the provisions of the Freedom of Information Act, 2000.
- To be the Standards Committee for the Parish Councils in the District of South Staffordshire.

Article 9 - The Standards Committee

9.01 Constitution

The Council at its Annual Meeting will establish a Standards Committee.

9.02 Composition

a) Membership

The Standards Committee will be composed of:

- six Councillors (who may not include the Leader or more than one other Cabinet Member), two from the majority group on the Council and at least one from each of the other political groups on the Council; and
- nine suitable persons (an "Independent Member") who are not Councillors or officers of the Council or Members of any other body having a Standards Committee and who are not related to or have a close friendship or relationship with Councillors or Officers of the Council

b) Independent Members will be appointed by the Council for a 3 year term of office subject to confirmation at the Annual Council meeting and each will retire on a rolling basis. An independent Member who has completed a 3 year term may apply to serve a further term or terms.

Independent Members will be entitled to vote at meetings.

c) Chairing the Committee

A member of the Executive may not chair the Committee. The chair and the vice chair of the Committee will be Independent Members.

9.03 Role and Function

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors, co-opted Members, church, other faith and parent governor representatives;
- (b) assisting the Councillors, co-opted Members and church, other faith and parent governor representatives to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;

- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising on the training of Councillors, co-opted members and church, other faith and parent governor representatives on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to Councillors, co-opted Members, church, other faith and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;
- (g) dealing with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer;
- (h) advising the Council on other Codes and Protocols forming the authority's ethical framework;
- (i) to consider arrangements for the appointment of Independent Members to the Committee;
- (j) to review the Corporate Governance Framework of the Council ensuring the authority operates within a robust framework;
- (k) to consider any report referred to it by the Cabinet or any other Committee where there are implications for ethical standards and report back as appropriate;
- (l) to receive whistleblowing reports and reports on any ethical issues arising from audit investigations;
- (m) to receive quarterly monitoring reports on complaints under the Council's Corporate Complaints procedure;
- (n) to report annually on its work to Council.
- (o) to appoint sub committees, each of which must be chaired by an Independent Member, to discharge any function specified in sections 57A and 57B of the Local Government Act 2000 (initial assessment and review of complaints relating to Member conduct);
- (p) to conduct hearings in respect of Councillor conduct relating to the Member Code of Conduct in accordance with the statutory guidance and regulations from time to time

In relation to its powers to deal with (d) above the Committee has appointed Sub Committees:

- the Assessment Sub Committee to assess complaints received

- the Review Sub Committee to review the decision of the Assessment Sub Committee upon request from a complainant of any decision to take no further action;
- the Hearings Sub Committee to consider the report of the Monitoring Officer relating to any local investigation or any reference from the Standards Board for England following the investigation of a complaint of breach of the Code of Conduct by a Member of the Council.

9.04 Reports referred to Council

The Independent Chair of the Standards Committee shall be entitled to address the Council on any report referred to it by the Standards Committee which has implications for ethical governance.

9.05 Quorum

The quorum of the Standards Committee shall be 3 of the total membership of the committee to include at least one independent member.

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UPDATE ON THE WORK OF THE OLDER PERSONS CHAMPION AND CHILDREN & YOUNG PERSONS CHAMPION – 03 NOVEMBER 2008

Older Persons Champion



The Older Persons Champion Cllr Jill Blackwell has successfully launched the Older Persons Forum for the District. The Forum has now held its third meeting and is becoming established as a key mechanism for engagement between service providers and older people using their service. The last meeting of the Forum focussed on a presentation which covered addressing the issues of Anti-Social Behaviour and there was also a short presentation on “Decisions At Life’s End (DALE)”. The Chair (Lucy Smith) and the Older Persons Champion are developing the agendas on a thematic basis, for example Health Care and the Older person is to be discussed at a future forum meeting. Organisations such as Age Concern and the Leicestershire & Rutland Primary Care Trust will also be invited to speak at future meetings.

In addition to the above, Cllr Blackwell attends a number of events/activities in order to raise her profile and consequently assist the “Voice of the Older Person” in the District in being heard, and to bring information of use to older people, back to the Older Persons Forum (and the Local Strategic Partnership, “Blaby Together”) for circulation to the wider community. Examples of this include visits to warden controlled homes across the District with the Community Safety Officer who deals with Anti-Social Behaviour, the “Over 50’s Feel Good Fair” at Braunstone Civic Centre and the “Safety in the Home” event at Kirkby Muxloe Village Hall. Cllr Blackwell also represents the “Voice of the Older Person” on the District’s Local Strategic Partnership, Blaby Together.

To assist in the co-ordination of services available to the Older Person, Cllr Blackwell is developing an A – Z guide of providers and how they can be contacted. This will be the focus for her work in the next quarter along with promoting the adoption of the County Council Older Person Strategy, “Ageing Well in Leicestershire 2008-2011”, by the District Council and visiting older people’s groups with the Domestic Violence Co-ordinator in November, in order to highlight the issue of “Elder Abuse”.

Children & Young Persons Champion



Cllr Karl Coles (the Council’s Children & Young Persons Champion) has supported a number of events and activities this quarter and has been active on a range of groups, including those concerned with combating Anti-Social Behaviour, through to working on the development of a Youth Council for the District. With respect to the proposed Youth Council, a consultation event, as part of National Democracy week (13th-19th October, 2008) took place in Blaby District Council’s Council Chamber on 16th October, 2008. The event included “political speed dating”

with local District Councillors and was attended by 52 young people from local schools. It is hoped that outcomes from the event will include greater interest in local democracy amongst the young people attending along with an increased interest/support for the development of the Youth Council from young people and their schools.

Cllr Coles's role is supported by a District Council, Children & Young Persons Officer Group which has been established and is responsible for taking forward Blaby District Council's Children & Young Persons Strategy and Hear by Right Action Plan. Cllr Coles attends Scrutiny Commission to report on progress against the Strategy and Action Plan, which seeks to address the requirements upon the Authority with respect to Section 10 and Section 11 of the Children's Act 2004.

As the Children & Young Persons Champion Cllr Coles supports the development of a Children Centre in the District and participated in the launch of Phase II Children's Centres on 13th October, 2008 at County Hall. The commissioning programme for the Children's Centre initiative is now supported by a Locality Partnership Group serving Blaby District and Oadby and Wigston. This Group reports to the District's Local Strategic Partnership, "Blaby Together", which Cllr Coles attends. In addition to this Cllr Coles has attended other strategic boards such as the Leicestershire Children and Young People's Board where he networked with other Children & Young Persons Champions from across the County, including the Lead Cabinet Member for C & YP Services, Cllr Ivan Ould.

Finally to help profile the role of Children & Young Persons Champion Cllr Coles has been visiting Schools supporting key youth projects including presenting awards to those who produced designs for the District's Community Safety Partnership's Criminal Damage Project.

Priority work for Cllr Coles in this next quarter will be taking forward the Youth Council initiative following the Youth Consultation Event on 16th October, 2008. Key information from this event is being used to develop the District's Youth Council in partnership with Leicestershire County Council.

UPDATE ON THE WORK OF THE OLDER PERSONS CHAMPION AND CHILDREN & YOUNG PERSONS CHAMPION – 28 APRIL 2008

Older Persons Champion



- Actively involved and engaged with a number of community groups in order to raise the profile of the work being undertaken, whilst at the same time using this as a platform to understand the needs and aspirations of our older community.
- Taken part in a number of local and national events aimed at understanding the requirements in this area of work going forward (for instance LAA events, an East Midlands conference on "Solutions for Older Customers").
- Helped to promote Benefit take up work through literature and attendance at local events.
- Formed and hosted the inaugural Older Persons Forum. This has been achieved by engaging members of the local community and encouraging them to take ownership of the forum, together with the involvement of other professional and voluntary bodies.
- Commenced work on an Older Person's Strategy for The District.

Children & Young Persons Champion



- Commissioned a Children & Young Person's Strategy for Blaby District Council.
- Commissioned the introduction of the "Hear by Rights" standard into Blaby District Council.
- Profiled the Children & Young Person's Champion role at a range of events/activities across the District, including the "Kick Out Racism" event in October 2007 which engaged up to 100 young people from across the District in sporting activities/football, based on anti racism as a theme.
- Provided profile to the Children's Centre and Extended Schools Programme which was introduced to the District during 2007.
- Proactively and successfully engaged partner organisations in sustaining youth clubs under threat of closure in the District.
- "Supported" a successful £200,000 bid to the Big Lottery for enhanced play provision in the District.

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