

Part 11

Section 1

Remit of the Council

The powers and duties of the Council are set out in Article 4.2 of the Constitution (pages B6 and B7).

Section 2

Remit of the Scrutiny Committee

1 Membership

- 1.1** There shall be one Scrutiny Committee consisting of eleven councillors appointed by Council. The quorum shall be three.
- 1.2** Any councillor who is not a member of the Committee may attend a meeting of the Committee, but may only speak at the meeting at the invitation of the Chair.
- 1.3** The Committee may invite any person to attend and take part in a review being conducted by the Committee but such person shall not have voting powers.
- 1.4** The Committee, when dealing with any housing matter relating to the Council's management of its housing stock shall include two representatives of the Lewes District Organisation of Tenant and Residents Groups who shall be entitled to speak but not vote on any such matter. The tenants' representatives shall not be entitled to be present when any matter is discussed which is designated as an exempt item.

2 Remit of the Scrutiny Committee

- 2.1** The remit of the Scrutiny Committee is set out in Article 6 of the Constitution (pages B10-B14).

3 Procedures and Method of Working of the Scrutiny Committee

- 3.1** The procedures and method of working to be adopted by the Scrutiny Committee is set out in the Scrutiny Procedure Rules in Part 4 of the Constitution (pages H1 – H11).

Section 3

Remit of the Licensing Committee

1 Membership

- 1.1 The Licensing Committee shall consist of ten members chosen on the basis of proportionality to reflect the political composition of the Council.
- 1.2 When discharging its functions under the Licensing Act 2003, the Licensing Committee will be quorate when three members are sitting.
- 1.3 Sub-committees established by the Licensing Committee to discharge its functions under the Licensing Act 2003 will be quorate when three members are sitting.
- 1.4 The members of the Committee shall appoint a Chair from amongst themselves.

2 Powers and Duties under the Licensing Act 2003

- 2.1 To undertake all the Council's functions as Licensing Authority under the Licensing Act 2003 (save for those functions specifically conferred on full Council by the Act).
- 2.2 To establish sub-committees of three members chosen from a pool of ten on the basis of political proportionality to carry out its functions.
- 2.3 To make recommendations to the Council about:
 - (i) the determination by Council of a Statement of Licensing Policy;
 - (ii) The review by Council of that Statement of Licensing Policy (in accordance with the provisions of the Licensing Act 2003);
 - (iii) any revisions to the Statement of Licensing Policy.
- 2.4 To delegate any of its functions to its sub-committees or officers subject to any restrictions imposed by the Licensing Act 2003 and the Guidance and Regulations made thereunder.

2.5 Notwithstanding 2.4 above, to delegate the following functions as shown:

Matter to be dealt with	Full Committee	Sub-Committee	Director of Service Delivery or any properly appointed deputy or other officer authorised to act
Application for personal licence		If a representation made	If no representation made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application to vary premises licence/club premises certificate		If a representation made	If no representation made
Application to vary designated premises supervisor		If a Police representation	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a Police representation	All other cases
Applications for interim authorisation		If a Police representation	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc			All cases
Decision to object when Council is a consultee and not the Licensing Authority		All cases	
Determination of a Police representation to a temporary event notice		All cases	

3 Powers and Duties under the Gambling Act 2005

- 3.1** To undertake all the Council's functions as Licensing Authority under the Gambling Act 2005 (save for those functions specifically conferred on full Council by the Act).
- 3.2** To establish sub-committees of three members chosen from a pool of ten to carry out its functions.
- 3.3** To make recommendations to the Council about:
- (i) the determination by Council of a Statement of Gambling Policy;
 - (ii) the review by Council of that Statement of Gambling Policy (in accordance with the provisions of the Gambling Act 2005); and
 - (iii) any revisions to the Statement of Gambling Policy.
- 3.4** To delegate any of its functions to its sub-committees or officers subject to any restrictions imposed by the Gambling Act 2005 and the Guidance and Regulations made thereunder.
- 3.5** Notwithstanding 3.4 above, to delegate the following functions as shown:

Matter to be dealt with	Full Council	Sub-Committee	Officers
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)	X		
Application for premises licence		If a representation made	If no representation made
Application for a variation of a licence		If a representation made	If no representation made
Application for a transfer of a licence		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Review of a premises licence		X	
Application for club gaming/ Club machine permits		If a representation made	If no representation made

Matter to be dealt with	Full Council	Sub-Committee	Officers
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination whether a Hearing needs to be held			X
Determination whether a representation is relevant			X
Determination of an appropriate Hearing procedure			X

4 Other Powers and Duties

- 4.1** To deal with taxi, entertainment, food and miscellaneous licensing (other than licensing functions arising out of the Licensing Act 2003 and the Gambling Act 2005).
- 4.2** To deal with the Council's functions relating to health and safety 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.
- 4.3** To deal with enforcement functions (other than development control enforcement in accordance with town and country planning legislation) including but not limited to contaminated land, pollution control, statutory nuisances, byelaws, litter and food premises.
- 4.4** To deal with appeals relating to any of the above.

4.5 To establish sub-committees of three members chosen from a pool of ten on the basis of political proportionality whenever possible to carry out its functions.

5 Regulation of Business when discharging those functions described in paragraph 2 above (ie functions under the Licensing Act 2003)

5.1 5.1.1 For the purpose of fulfilling its functions under 2.3 above, the Committee shall consider the following:

- (i) A joint report from the Head of Environmental Health and the Council's senior legal officer;
- (ii) The draft (or current) Statement of Licensing Policy;
- (iii) Any representations received in response to formal/statutory consultation.

5.1.2 The Head of Environmental Health and the Council's senior legal officer shall report the Committee's recommendations to Council.

5.2 Sub-Committees appointed to hear and determine applications made under the Licensing Act 2003 shall decide the procedure to be followed for the hearing. That procedure shall be subject to the provisions of the Act and the Regulations and Guidance made thereafter.

6 Regulation of Business when discharging those functions described in paragraph 4 above

6.1 The Committee shall, at any hearing, consider any representations made by any person affected.

6.2 Every person affected shall be entitled to be present at the hearing, other than any part of it set aside by the Committee exclusively for the purpose of arriving at the decision, and

- (a) to be heard by the Committee;
- (b) to call persons to give evidence; and
- (c) to put questions to any other person who gives evidence,

and may for these purposes be accompanied or represented at the hearing by any person of their choice.

6.3 Matters under consideration by the Committee shall be decided by a simple majority of votes cast and, in the case of an equality of votes, the Chair shall have a second or casting vote.

6.4 The Committee may regulate their own procedure (subject to compliance with legal requirements) at the hearing and may, in particular, receive representations and evidence from such persons present as they consider appropriate. Witnesses will not be admitted to the hearing until the point at which they are called to give evidence unless the Committee otherwise decides.

6.5 The Committee is advised to adopt a procedure on the following lines:

(a) **Opening Remarks** by the Chair of the Committee introducing those present at the hearing, and ensuring that the appellant understands the procedure to be followed at the hearing.

(b) **The Council's Case**

Opening remarks by the Council's representative.

The Council's representative to call any witnesses.

The appellant or his representative may question any witness.

The Chair or members of the Committee may wish to ask questions.

The Council's representative is then to have the opportunity of asking any further questions of any Council witness to clear up any point in the earlier questioning.

(c) **Appellant's Case**

The appellant (or his/her representative) will open his/her case.

The appellant (or his/her representative) to call any witness and/or give evidence in support of his case.

The Council's representative may question any witness, including the appellant if he/she gave evidence.

The Chair or members of the Committee may wish to ask questions.

The appellant or his/her representative is then to have an opportunity of asking any further questions of any witness to clear up any points raised in the earlier questioning.

(d) **Closing Statements**

By the Council's representative.

By the appellant or his/her representative.

(e) The Chair of the Committee will then ask the Clerk if there are any other matters to be raised or resolved before the hearing is closed. If not, the Chair will then close the proceedings, indicating that a copy of the Committee's decision and the reasons for it will be sent to the appellant and the Council.

(f) Both the appellant's and the Council's sides will withdraw from the hearing.

6.6 The Clerk to the Committee shall keep a sufficient record of the Committee's proceedings.

6.7 A copy of the record of each hearing shall be given or sent to the Council and to the interested person within seven days of the hearing, or if this is not reasonably practicable, as soon as possible thereafter.

6.8 The Director of Finance of the Council may approve and pay reasonable travelling expenses claims in respect of attendance at hearings by each interested person and one other person representing or accompanying him/her.

Section 4

Remit of the Audit and Standards Committee

1 Statement of Purpose

- 1.1 Provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.
- 1.2 Promote and maintain high standards of conduct by Members and Co-opted Members of the Council.

2 Membership

- 2.1 The Audit and Standards Committee shall consist of seven members of the District Council. The quorum shall be four.
- 2.2 Up to 3 additional co-opted non-voting Town/Parish members may participate in Standards, but not Audit, matters.
- 2.3 The terms served by Town/Parish members shall run concurrently with the term of office of the District Councillors.
- 2.4 The Chair shall be elected from a non-Cabinet member of the Minority Groups.
- 2.5 Duty to appoint one or more Independent Persons for the following purposes:-
 - (a) to give the Council views on any allegations it has decided to investigate, before a decision is reached;
 - (b) at the discretion of the Council, to give the Council views on any other allegations; and
 - (c) at the discretion of a Member, Co-opted Member or Member of Town/Parish Council, to give the Member views on any allegations relating to the behaviour of that Member.

3 Powers and Duties

The Committee is responsible for carrying out the following statutory Audit duties:

- 3.1 To review progress with the External Auditor on audit systems and final audits and respond to any matters raised by the External Auditor. A meeting between the External Auditor and members of the Audit and Standards Committee can be held at the request of either party;

- 3.2 To review the External Auditor's Management Letter and the conclusions of Value for Money Studies and make recommendations to the Cabinet;
- 3.3 To keep under review the probity and the effectiveness of internal controls, both financial and operational, including the Council's arrangements for identifying and managing risk;
- 3.4 To keep the effectiveness of management arrangements under review to ensure legal and regulatory compliance;
- 3.5 To review the effectiveness of corporate governance arrangements and to oversee production of the Annual Governance Statement and recommend its adoption;
- 3.6 To agree a three year strategic audit programme and annual programme and keep them under review:
 - to ensure co-ordination between internal and external auditors, and
 - to make recommendations to the Cabinet to ensure that the internal audit function is adequately resourced and is able to discharge its functions effectively;
- 3.7 To consider the Head of Audit and Performance's Annual Report and to report annually to the Cabinet on the adequacy and effectiveness of internal controls within the Council;
- 3.8 To review the annual statement of accounts, and consider whether the appropriate accounting policies have been followed and whether there are any concerns that need to be brought to the attention of the Council; and to approve the Council's annual accounting statements

In addition, the Committee is responsible for exercising the following Audit powers:

- 3.9 To consider the significant findings of internal audit investigations, the responses of Chief Officers to those findings and any matters the Head of Audit and Performance may wish to discuss (in the absence of Chief Officers if necessary);
- 3.10 To commission work from internal and external audit;
- 3.11 To maintain an overview of the Council's Constitution in terms of contract procedure rules, financial regulations and codes of conduct and behaviour;
- 3.12 To monitor Council policies on Whistleblowing and Anti-Fraud and Corruption;
- 3.13 To review Treasury Management Policies and the Treasury Strategy and to recommend any changes to those documents to Cabinet for consideration.

- 3.14** To oversee the operation of the Council's policy on the use of powers under Part 2 of the Regulation of Investigatory Powers Act 2000 ('RIPA') by receiving reports every 12 months on the policy and its implementation, and on any RIPA authorised activity conducted during the preceding 12-month period.

The Committee is responsible for carrying out the following statutory Standards duties:

- 3.15** To recommend to Council the adoption of a Code of Conduct dealing with the conduct expected of Members and Co-opted Members of the Council when acting in that capacity [s27(2)] and including provision in respect of the registration and disclosure of (a) pecuniary interests and (b) interests other than pecuniary interests; and to revise the existing Code of Conduct or adopt a replacement Code of Conduct and make recommendations on the Code of Conduct to Council.
- 3.16** To put in place arrangements to investigate and make decisions on written allegations that a Member or Co-opted Member of the Council has failed to comply with the Code of Conduct.

In addition, the Committee is responsible for exercising the following Standards powers:

- 3.17** To have regard to a Member's or Co-opted Member's failure in complying with the Code of Conduct, in deciding whether to take action in relation to that Member and what action to take.
- 3.18** To grant a Member or Co-opted Member a dispensation from the restriction on speaking and/or voting when any matter in which that person has a disclosable pecuniary interest is to be considered at a meeting of the Council or any of its committees, sub-committees, joint committees or joint sub-committees.
- 3.19** To consider the Monitoring Officer's Annual Report on the establishment and maintenance of a register of interests of Members and Co-opted Members of the Council.

Section 5

Remit of the Employment Committee

1 Membership

- 1.1** The Employment Committee shall consist of five members, including two members of the Cabinet, appointed on the basis of proportionality to reflect the political composition of the Council. The quorum shall be three members.

2 Powers and Duties

- 2.1** The Committee shall be responsible for those employment functions which cannot, as a matter of law, be the responsibility of the Cabinet, namely, functions relating to local government pensions and appeals against dismissal, grading and grievances by employees of the Council; with the exception of those appointments reserved to the Appointments Committee, the power to appoint staff and to determine their terms and conditions of office.
- 2.2** The Committee shall also be responsible for carrying out the role of the Joint Consultative Committee.
- 2.3** When undertaking the role of the Joint Consultative Committee, the Committee shall consist of both elected members and Employee representatives. The representation shall be five elected members to reflect the political composition of the Council and six Unison representatives. The voting members of the Committee shall be the Employer's representatives. The quorum shall be three members of both the Employer's side and the Employee's side.
- 2.4** The Committee, when undertaking the role of the Joint Consultative Committee, shall make recommendations to the Cabinet on all matters relating to:
- (a) promoting greater understanding, communication, co-operation and avoidance of conflict between the Council and its employees;
 - (b) giving the Council's employees the opportunity for greater participation in the determination of the Conditions of Service and the conditions under which they perform their work; and
 - (c) promoting co-operation between the Council and its employees in instigating, developing and carrying out measures to ensure the health and safety of the employees and any others who may be affected by their work.

2.5 In particular, the Committee shall have regard to the following:

- (a) matters relating to employees, eg welfare, holiday arrangements, payments of wages;
- (b) the issue and revision of rules affecting the work and services of the Council;
- (c) the review of agreed procedures, at the request of either side, eg grievance and disciplinary procedures;
- (d) questions of principle arising from individual cases, dealt with within agreed procedures;
- (e) Employee side requests for improvements to any locally applied conditions of service;
- (f) any matters which are currently being considered by the Council or any of its Committees or Working Parties, in which employees have a legitimate interest.
- (g) the study of accident and hazard statistics and trends, so that unsafe or unhealthy working practices and potential remedies may be identified;
- (h) the examination of safety audit reports and the implementation of their recommendations;
- (i) consideration of reports from appointed safety representatives;
- (j) the development, introduction and monitoring of work safety rules and safe systems of work;
- (k) the adequacy of health and safety communication and publicity in the workplace;
- (l) to consider and make recommendations on new Health and Safety legislation, directives and guidelines; and
- (m) the appraisal of the effectiveness of safety training.

3 Procedure when undertaking the role of Joint Consultative Committee

3.1 If required, the Committee shall meet within eight days before the scheduled Cabinet.

3.2 Both the Employer's side and the Employees' side may be accompanied by advisers who may speak but not be counted towards a quorum.

- 3.3** The Head of Democratic Services shall prepare draft Minutes and agree these with the Chairman and the Chairman of the Employees' side. The Minutes will be submitted to the Cabinet for approval and implementation where necessary.
- 3.4** Where the Employees' side or the Employer's side fail to agree on any matter, it shall be considered by the Cabinet to determine the matter.

Section 6

Remit of the Appointments Committee

1 Membership

- 1.1 The Appointments Committee shall consist of five members selected as and when the need for a Committee meeting arises. The quorum shall be three.
- 1.2 The Committee shall be constituted in accordance with the political balance provisions.
- 1.3 The membership must include at least one member of the Executive.
- 1.4 The Committee shall be chaired by a member of the Group with the largest member of seats in the Council.

2 Powers and Duties

- 2.1 To recommend to Council the appointment of the Chief Executive and the designation of the Monitoring Officer and Chief Finance Officer.
- 2.2 To make appointments to the posts of Directors and/or Chief Officers, and to determine the terms on which they are made.

Section 7

Remit of the Planning Applications Committee

1 Membership

- 1.1 The Planning Applications Committee shall consist of eleven members. The quorum shall be five.

2 Powers and Duties

- 2.1 To determine planning applications and other matters of Planning Control within the policies and guidance laid down by the Cabinet and Council.
- 2.2 To ensure the highest standards of Building Control continue within the District Council boundaries.
- 2.3 To make recommendations to the Cabinet or the Scrutiny Committee on all matters of policy arising from the exercise of its powers and duties.

3 Delegated Powers and Duties

There shall be delegated to the Committee all the powers and duties of the Council relating to the following, whether in its capacity as local planning authority or in its capacity as agent for the South Downs National Park Authority:

- (a) the determination of all applications under the Planning Acts, or any other similar applications;
- (b) so far as (a) above is concerned, if the approval of the application as proposed by the Applications Committee would be contrary to
 - (i) the Structure Plan, the Local Plan or other Council Policy or South Downs National Park Authority policy; and
 - (ii) the proposed development is of strategic significance for the future development of the District; and
 - (iii) the development has been identified as such in the report of the Director of Planning and Environmental Services

such application shall be referred to the Council or to the South Downs National Park Authority as appropriate.

- (c) consideration of appropriate action to remedy breaches of planning control and to secure tree preservation in the District;

- (d) the making of observations on planning applications in an adjoining planning authority's area and on proposals for development by statutory undertakers, Government departments, etc; and
- (e) street naming and numbering under Sections 17/18 of the Public Health Act 1925.
- (f) the obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.
- (g) the obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
- (h) the appointment of any individual –
 - (i) to any other office other than an office in which he/she is employed by the Council and the revocation of any such appointment;
 - (ii) to any other body other than –
 - (a) the Council
 - (b) joint committee of two or more councils
 and the revocation of any such appointment; or
 - (iii) to any committee or sub-committee of such a body, and the revocation of any such appointment provided that such appointment is in relation to development control functions.
- (i) Functions relating to town and country planning, trees, hedgerows and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations) as amended.
- (j) The exercise of powers relating to the regulation of the use of highways, footpaths, bridleways and public rights of way and means of access to land as set out in Schedule 1 to the Functions Regulations as amended insofar as they are powers exercisable by the District Council.

Section 8

Remit of the Devolution Committee

1 Membership

- 1.1** The Devolution Committee shall consist of seven members. The quorum shall be four.

2 Powers and Duties

- 2.1** To deal with matters relating to devolution and to report to the Cabinet (ie not to have plenary powers)