

Part 3B – Committee Functions and Responsibilities

1.0 Responsibility for functions

- 1.1 Sections 2 to 7 below set out how the Council has chosen to delegate responsibility for certain of its local choice and non-executive functions. Other delegations are contained in the scheme of delegation to officers. Where no delegation is indicated, responsibility for local choice and non-executive functions remains with the Council. The delegation of powers and duties to committees and sub-committees shall be deemed to include, in any reference to an Act of Parliament, a reference to any subsequent Act or Acts which may amend, replace or extend it, and to any regulation, order or direction made under such Act or Acts.
- 1.2 Every committee appointed by the Council may appoint sub-committees for the purposes to be stated by the committee. The Members of a sub-committee will usually be Members or substitute Members of the appointing committee, unless it is deemed that the efficacy of the sub-committee's business will be enhanced by the appointment of any other Member at the discretion of the relevant political group leader.
- 1.3 Sections 8 to 10 below set out how the Executive has chosen to delegate responsibility for certain executive functions.
- 1.4 Any committee or sub-committee formed by the Council or Executive may, within its delegated authority, set up working parties or panels for the detailed study of any matter. Any working party/panel given delegated authority will become a sub-committee.

2.0 Development Management Committee

Remit

- 2.1 The Development Management Committee (in this Section 2 referred to as "the Committee") is authorised to undertake (or sub-delegate) all of the council's functions relating to town and country planning (excluding the preparation of plans and policies), development management and the protection of hedgerows and

trees, as specified in Parts A and I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended by subsequent regulations).

- 2.2 The Committee is also authorised to exercise the council's local choice functions in relation to the obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land and the obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (as specified in the table in Section 1 above).
- 2.3 In summary, the area of responsibility of this Committee includes all matters relating to the administration of town and country planning legislation (excluding the preparation of plans and policies), Listed Building and Conservation Area legislation, Hazardous Substances legislation and associated regulations within the purview of the council.

Membership and meeting arrangements

- 2.4 The Committee, consisting of 12 Members (and up to six substitutes), will be appointed annually by the Council and will be politically balanced.
- 2.5 The Committee will meet in accordance with a schedule of ordinary meetings, although meetings may be cancelled due to lack of business, or additional meetings may be arranged as necessary, in consultation with the Chairman of the Committee.

Delegation of Functions

- 2.6 The majority of the Committee's functions will be determined by officers, as set out in Part 3C of the Constitution. These delegations are subject to:
- (a) any such determination being consistent with the Development Plan and adopted District and County Planning Policies; and
 - (b) statutory and customary consultations being carried out.

Procedure at meetings

- 2.7 Procedure at meetings shall be in accordance with the Council Procedure Rules, except as provided in 2.8 below.
- 2.8 The Committee shall agree a scheme of public speaking arrangements.
- 2.9 The Committee shall have authority to depart from the arrangements in 2.8 above and determine specific arrangements for public speaking on certain applications, as it sees fit.

3.0 Licensing Committee

Remit

- 3.1 The Licensing Committee (in this Section 3 referred to as “the Committee”) may undertake or sub-delegate the council’s regulatory functions relating to licensing and registration including:
- (a) the Licensing Act 2003;
 - (b) the Gambling Act 2005;
 - (c) the Local Government (Miscellaneous Provisions) Act 1976 (as it relates to taxi licensing);
 - (d) health and safety at work (for non-council officers);
 - (e) food premises;
 - (f) scrap metal; and
 - (g) local choice functions (as specified in Part 3A)

unless the authority to determine the matter has been delegated to another committee or an individual officer.

- 3.2 The Committee may authorise a prosecution for any offence within the scope of its delegation.
- 3.3 Unless otherwise delegated, the Committee will hear licensing and registration appeals which the council is required to determine. The Committee will not take the place of any other appeals or complaints

procedures nor will it provide a general appeal mechanism for any decision of the council.

Membership and meeting arrangements

- 3.4 The Committee shall consist of 12 Members (and up to six substitutes). It shall be appointed annually by the Council and shall be politically balanced.
- 3.5 Members appointed to the Committee will:
- (a) be able to provide a sufficient, competent¹ pool capable of carrying out the Committee's programme of work and anticipated number of sub-committee hearings for the forthcoming year;
 - (b) make themselves available to participate in the work of the Licensing Authority; and
 - (c) be required to undertake mandatory training on the functions and responsibilities of the Committee and its sub-committees.
- 3.6 The Chairman will:
- (a) be elected with full understanding of his or her procedural responsibilities, in accordance with the principles set out in paragraph 5.2 of Chapter 5 of the Constitution;
 - (b) be responsible for Member-to-Member engagement, in particular between the Committee and the respective Executive Member; and
 - (c) lead on other Member-related duties including the appointment of Members of the Committee and non-voting co-optees to task and finish groups.
- 3.7 With the agreement of the Chairman (or Vice-Chairman in the absence of the Chairman) and relevant Executive Member, additional meetings of the Committee may also be called if

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

necessary. Sub-committee meetings will be scheduled as and when required.

Delegation of functions

- 3.8 The Committee's functions will be determined in line with Tables A, B and C of this part of the Constitution. The Committee or a sub-committee will consider:
- (a) matters which the council's policies dictate the Committee's involvement;
 - (b) appeals being made against an officer's decision; and
 - (c) matters when an officer to whom a decision has been delegated chooses to put the matter before the Committee.
- 3.9 A sub-committee will consist of any three Members drawn from the full membership of the Committee and appointed for each occasion when it is needed. All Members of the Committee should be given equal opportunities to sit on sub-committees following successful completion of the relevant training.
- 3.10 Applications made in respect of the Licensing Act 2003 will be brought before the Committee or a sub-committee in accordance with any regulations published under the act, the guidance issued under section 182 of the act and summarised in Table A below.
- 3.11 Applications made in respect of the Gambling Act 2005 will be brought before the Committee or a sub-committee in accordance with the Scheme of Delegation summarised in Table B below.
- 3.12 Applications made in respect of sex establishments will be brought before the Committee or a sub-committee in accordance with the Schedule of Delegation summarised in Table C attached.
- 3.13 Taxi licensing-related matters reserved for the Licensing Committee, or a sub-committee of that Committee, in the council's Licensing Points Record Scheme will be brought before the Committee or a sub-committee. All other taxi-licensing matters have been delegated to the Head of Housing and Health, acting in consultation with the Chairman of the Licensing Committee.

Procedure at meetings

3.14 Meetings of the Committee will be conducted in accordance with the Council Procedure Rules, except when the Committee sits as a hearing, in which case the Hearing Procedure Rules (see Appendix A) will apply.

TABLE A

Licensing Act 2003: Delegation of Functions

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

Matter to be dealt with	Delegated to Licensing Sub Committee	Delegated to Officers
<ul style="list-style-type: none">• Application for personal licence with unspent convictions• Application to review premises licence/club premises certificate• Decision to object when local authority is a consultee and not the lead authority• Determination of a Hertfordshire Constabulary representation to a temporary event notice	All cases	
<ul style="list-style-type: none">• Application for personal licence• Application for premises licence/club premises certificate• Application for provisional Statement• Application to vary premises licence/club premises certificate• Application to vary designated premises supervisor• Application for transfer of premises licence• Applications for Interim Authorities• Determination of application for licence, or variation of licence, in respect of community premises: supervision of alcohol sales	If a relevant representation made and not withdrawn	<ul style="list-style-type: none">• If no relevant representation made or• If representation made and withdrawn
<ul style="list-style-type: none">• Request to be removed as designated premises supervisor• Decision on whether a complaint is irrelevant, frivolous or vexatious• Determination of application for minor variation• Determination of relevance of representation• Exercise of Responsible Authority Functions of applications and notices submitted to the licensing authority under the Licensing Act 2003 (as amended by the Police and Social Responsibility Act 2011) in accordance with the regulations		All cases

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

GAMBLING ACT 2005 Summary of permitted licensing authority delegations			
Matter to be dealt with	Delegated to the Licensing Committee	Delegated to the Sub Committee	Delegated to Officers
Approval to recommend to Council: <ul style="list-style-type: none"> • the Statement of Licensing Policy (including substantive amendments) • policy not to permit casinos 	All cases		
<ul style="list-style-type: none"> • Cancellation of club gaming / club machine permits • Review of a premises licence • Decision to give a counter notice to a temporary use notice 		All cases	
<ul style="list-style-type: none"> • Application for premises licences • Application for a variation to a licence • Application for transfer of a licence • Application for a provisional statement • Application for club gaming/club machine permits 		If a relevant representation made and not withdrawn	<ul style="list-style-type: none"> • If no relevant representation made <i>or</i> • If representation made and withdrawn
<ul style="list-style-type: none"> • Fee Setting (when appropriate) • Applications for other permits • Cancellation of licensed premises gaming machine permits • Consideration of temporary use notice 			All cases

Sex Establishments: Schedule of Delegated Authority

Matter to be dealt with	Delegated to
<p>Grant (First or New) of an application for any type of Sex Establishment Licence</p>	<p>The sub-committee*:</p> <ul style="list-style-type: none"> • if a relevant objection received and not withdrawn and/or • if officers have concerns in respect of the application or characteristics of the locality <p>Officers in all other cases</p>
<ul style="list-style-type: none"> • Refusal of an application for <i>the grant, renewal or transfer</i> of any type of Sex Establishment Licence on the grounds that: <ul style="list-style-type: none"> • the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason • if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewed or transfer of such a licence if he made the application himself • Refusal of an Application for <i>the grant or renewal</i> of any type of Sex Establishment Licence on the grounds that: <ul style="list-style-type: none"> • the number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality • the grant or renewal of the licence would be inappropriate, having regard to the character of the relevant locality; or to the use to which any premises in the vicinity are put; or to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made • Refusal of an Application for <i>the variation</i> of the terms, conditions or restrictions on / or subject to which the licence is held for any type of Sex Establishment Licence 	<p>The sub-committee* in all cases</p>
<p>* <i>Matters ordinarily delegated to a sub-committee may be referred to the Licensing Committee at the discretion of the Head of Housing and Health after consultation with the Chairman and/or Vice-Chairman of the Licensing Committee</i></p>	

Matter to be dealt with	Delegated to
<ul style="list-style-type: none"> • Decision on whether an objection is frivolous or vexatious • Decision on whether an objection is relevant • Refusal of an Application for <i>the grant</i> of any type of Sex Establishment Licence on the grounds that the Applicant is: <ul style="list-style-type: none"> • under the age of 18 • for the time being disqualified from holding a licence following revocation of such a licence • a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of 6 months immediately preceding the date when the application was made • a body corporate which is not incorporated in an EEA state • a person who had, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is 	Officers in all cases

**Although matters will normally be referred to a sub-committee for determination, they may be referred to the full Committee at the discretion of the Head of Housing and Health, after consultation with the Chairman and/or Vice-Chairman*

Procedure for Hearings of Licensing Matters

Delegated authority is given to the Licensing Committee (referred to as 'the Committee' in this Appendix A) to amend its procedures from time to time to comply with legislative requirements and in the interests of fairness and efficiency.

Licensing Act 2003 Hearing Regulations - Hearing Procedure

1. Introduction

1.1 The Licensing Committee or a sub-committee of the Licensing Committee sitting as a Hearing Panel acts as a quasi-judicial body. This means that it must follow the rules of natural justice by ensuring that:

- applicants and licensees know in advance and in reasonable detail anything that is claimed or alleged against them;
- all parties are given a proper opportunity to present their views;
- only relevant matters are considered; and
- the decision taken is reasonable.

1.2 A Hearing Panel will also have regard to:

- the Human Rights Act 1998;
- Guidance issued under Section 182 of the Licensing Act 2003 (hereinafter called the "2003 Act" in this Appendix A); and
- the council's Statement of Licensing Policy under the 2003 Act.

1.3 Where a Hearing Panel chooses to depart from the guidance and/or the council's Statement of Licensing Policy, it must give its reasons for doing so.

2. Definitions

2.1 In this document the following definitions apply:

- "applicant/licensee" means the person who has made an application for a licence under the 2003 Act or a person who has served notice of a temporary event in accordance with the 2003 Act or a person who is the holder of a licence under the 2003 Act;

- “representation” means a submission by a responsible authority or interested party under the 2003 Act, whether made in response to a consultation, by application for review or served in the form of a notice;
- “party to a hearing” means a person to whom notice of the hearing has been given in accordance with column 4 of Schedule 1 attached or who is otherwise entitled to speak at a hearing;
- “member of the Licensing Authority” means a Member sitting as a member of the Licensing Sub- Committee (hereinafter called a Hearing Panel), or an Officer who has been appointed by the council as a proper officer of the Licensing Authority, to carry out the following functions:
 - to provide any advice that Members require to fulfil their functions whether or not it is asked for on:
 - questions of law;
 - questions of mixed law and fact;
 - matters of practice and procedure;
 - the range of options available to the Hearing Panel;
 - any relevant decisions of the courts;
 - relevant national guidance or local policy;
 - other issues relevant to the matter before the Hearing Panel;
 - the appropriate decision making structure to be applied in any case;
 - assistance on the formulation of reasons and recording decisions;
 - the questioning of any party to a hearing; or
 - assistance to any party to clarify evidence and issues
- “discussion” means examination by argument and debate
- “cross examination” means the examination of a party or witness with a view to querying or questioning his or her evidence.

3. Composition of licensing hearing panels

- 3.1 The Licensing Hearing Panel shall consist of three Members. Members of the Panel shall neither represent nor have a connection with the

appellant, complainant, the ward in which the appellant or complainant resides or the ward in which any premises concerned are located nor themselves live within the vicinity of any premises under consideration.

Hearings will be held in accordance with Schedule 1 below which sets out:

Column 1	Provision under a which a hearing may be held
Column 2	The period of time within which the hearing must take place
Column 3	The period of notice that must be given about the hearing
Column 4	The persons to whom notice of the hearing will be given
Column 5	The documents that will accompany the notice of the hearing (if any)
Column 6	The period of time within which a party to a hearing must confirm whether or not they intend to appear

4. Notice of Hearing

4.1 A notice of hearing shall be accompanied by the following:

- the rights of a party to a hearing (see paragraph 5 below);
- the consequences of non-attendance;
- the procedure to be followed at the hearing;
- any particular points on which the Licensing Authority will want clarification at the hearing; and
- any other documents in accordance with Column 5 of Schedule 1.

5. Rights of a Party to a Hearing

5.1 A party to a hearing:

- may be assisted or represented, whether or not that person is legally qualified;
- is entitled to give further information in support of his, her or their application or representation where the Licensing Authority has given notice that clarification on certain points is required;
- may question any other party (including the applicant) if given permission to do so by the Licensing Authority;
- may address the Licensing Authority;
- must be aware that, in the event of non-attendance, the hearing may proceed in his, her or their absence. However, if a party has indicated that they intend to attend the hearing but fail to do so, the Licensing Authority may, where it is in the public interest, adjourn the hearing to a specified date (but see paragraph 6 below). Alternatively, the hearing may be held in that party's absence (in

- which case the Licensing Authority will consider the application, representation or notice made by the absent party); and
- will be advised of the procedure to be followed (see Schedule 2 below).

5.2 The following apply:

- a party to a hearing must confine his, her or their submission to the information given in his, her or their application or representation unless they are asked otherwise by the Licensing Authority;
- parties to a hearing are advised to arrive not less than 15 minutes before the hearing commences. Where a party who has confirmed that they intend to appear at a hearing is unable to do so or is unavoidably delayed they must contact the Licensing Authority to explain the reason for his, her or their absence;
- each party to a hearing will be allowed an equal maximum period of time to exercise the above rights;
- the maximum period to be allowed will be determined at the commencement of each hearing; and
- where a number of interested parties attend a hearing, all of whom wish to make the same or similar points, they will be invited to appoint a spokesperson. Other interested parties will then be asked to add anything that they consider his, her or their spokesperson has omitted. It is not necessary for each interested party to repeat the same points and the Chairman of the hearing is expected to be firm on this point.

6. Action required by party to a hearing following receipt of notice of hearing

6.1 A party to a hearing is required to confirm to the Licensing Authority within the period set out in Column 6 of Schedule 1 below:

- whether or not they intend to attend or be represented;
- whether they consider the hearing unnecessary; and
- any request, in writing, for permission for any other person to attend (as a witness). Any such request must include the person's name and brief description of the point(s) that person may be able make in order to assist the Licensing Authority at the hearing. Any such request will be considered at the beginning of the hearing but such permission shall not be unreasonably withheld.

6.2 The following apply:

- any such request will be considered at the commencement of the hearing; and
- the submission of the witness must relate to the points contained in the representation made by the party on whose behalf they are appearing. Any other comment(s) must and will be disregarded.

7. Dispensing with a hearing

7.1 The Licensing Authority may dispense with a hearing if all the parties to it (other than the Licensing Authority itself) have given notice in writing that it is unnecessary. If all parties give such notice, the Licensing Authority, if it agrees, must give notice to the parties that the hearing has been dispensed with and determine the application within 10 working days based on the representations that have been made in writing.

8. Withdrawal of representation

8.1 A party to a hearing may withdraw any representation by giving notice no later than 24 hours prior to the commencement of the hearing or orally at the hearing itself.

8.2 If all representations are withdrawn the application will be approved as submitted.

9. Adjournments and Extensions of time

9.1 The Licensing Authority may:

- extend any time limit relating to a hearing set out in Schedule 1 if felt in the public interest, provided that any reviews can still be determined within the prescribed time limits and provided that during the transition period the application is not consequently deemed grant or deemed refused;
- adjourn or hold a hearing on additional specified dates where it considers this to be necessary; or
- adjourn to enable a site meeting to be held.

9.2 Notice will be given to all the parties to the hearing stating the period of the extension or the date of the re-scheduled hearing and the reasons for it.

9.3 During the transition period any adjournment or extension of time will not re-schedule the hearing later than the following:

Type of Application	Latest time for hearing
<ul style="list-style-type: none"> • Conversion of premises licence or club premises certificate • Variation of new premises licence or new club premises certificate 	Not later than 2 months beginning on the day the application was received by the Licensing Authority
Application for a personal licence by the holder of a Justices' Licence	Not later than 3 months beginning on the day the application was received by the Licensing Authority

10. Hearings in Public

- 10.1 Hearings will take place in public, unless the Licensing Authority excludes the public from any part of a hearing on the grounds that the public interest in doing so outweighs the public interest in the hearing (or that part) taking place in public.
- 10.2 When the public are excluded from a hearing (or part), any party to the hearing, his, her or their representative and any person called by them as a witness may also be excluded.
- 10.3 The Chairman may require any person attending the hearing who is behaving in a disruptive manner to leave and may determine whether and with what conditions if any they may return.

11. Representations and Supporting Documentation

- 11.1 Members of the Licensing Authority may ask any question of any party or other person attending the hearing.
- 11.2 In considering any representation made by a party, the Licensing Authority may take into account supporting documentary or other information produced by that party either before the hearing or, with the consent of all the other parties, at the hearing itself.
- 11.3 If material is to be introduced at the hearing, the party must prepare at least ten copies for distribution to the members of the Licensing Authority and the other parties to the hearing if its submission is permitted.
- 11.4 The Licensing Authority will disregard any information given at a hearing that is not relevant to the matter under consideration.

12. Procedure at a Hearing

The hearing will proceed in the following order:

- 12.1 The Chairman will elicit any declarations of interests.
- 12.2 The Chairman will introduce members of the Hearing Panel.
- 12.3 The Chairman will ask those present to introduce themselves in the following order:
 - applicant/licensee and any person representing or assisting them. (Confirmation also should be given that copies of the relevant representations to be considered at the Hearing have been received);
 - the Officer of the Licensing Authority, the Democratic services Officer and the Legal Advisor to the Hearing Panel;
 - responsible authorities that have made a relevant representation; and
 - interested parties who have made a relevant representation. Interested parties should confirm whether a spokesperson has been nominated and, if so identify them.
- 12.4 The Chairman will ask all parties to the Hearing whether they wish to withdraw their application or representation.
- 12.5 The Chairman will ask the officer of the Licensing Authority to report:
 - any requests from a party to the Hearing for permission for a witness to appear in support of his, her or their representation. Any such requests will be determined by the Hearing Panel; and
 - any documentary or other information that a party to the Hearing wishes to present. If there is any such material, the Chairman will ask all the other parties to the Hearing whether they consent to it being presented. If they agree, the material will be distributed. If not, this material may not be distributed unless the Chairman wishes it to be.
- 12.6 The Chairman will invite the applicant/licensee or his, her or their representative to estimate the time required to present his, her or their case and ask questions of other parties to the Hearing. The Chairman will then ask the other parties to the Hearing whether they will require a longer period to present their representation and question the applicant. The Hearing Panel will determine the maximum period of time allowed for each party to put his, her or their case. This decision will be final.

- 12.7 The Chairman will ask the Officer of the Licensing Authority to summarise the matter under consideration.
- 12.8 The Members of the Hearing Panel, the applicant, and those making representations may ask questions of the Officer of the Licensing Authority.
- 12.9 Starting with the applicant or licensee, each party will exercise his, her or their rights within the identified maximum time, as follows:
- each party to present his, her or their case, including responding to any points of which the Licensing Authority has previously given notice, and call any approved witness or witnesses in support of his, her or their case; and
 - if given permission by the Chairman, and only through the Chairman, each party may raise questions of any other party or witness/witnesses.
- 12.10 The applicant/licensee or his, her or their representative will be asked to sum up his, her or their case.

13. Determination of Applications

- 13.1 In the case of a hearing relating to:
- a counter notice following police objection to a temporary event notice; or
 - a review of premises licences following closure order;
- the Licensing Authority must make its determination at the conclusion of the hearing.
- 13.2 In the case of any other hearing, the members of the Hearing Panel may choose to determine the case at the conclusion of the hearing or after the hearing within five working days.
- 13.3 If determining the case at the hearing, it is for the members of the Hearing Panel to choose whether to retire to consider the case or discuss the case in front of all parties.
- 13.4 When determining a case, either during the hearing or after, and whether having retired or deliberating in front of the parties, the following shall apply:

- Members of the Hearing Panel will determine the case, not officers or any other parties;
- Members of the Hearing Panel will be advised by a Legal Officer;
- a Democratic Services Officer will be available to make relevant notes and make a written record of the Panel's decision;
- if Members of the Hearing Panel have a question relating to the relevant legislation or the council's policies which the Legal officer is unable to address, they may seek the advice of an officer of the council's Licensing Team; and
- if Members of the Hearing Panel wish to attach conditions to an application under consideration they may seek the views of any or all of the parties before determining the case, especially if the details of the possible condition were not discussed with parties during the hearing and/or members of the Hearing Panel do not feel they have as clear a view as possible of the proposed condition's efficacy, applicability and/or acceptability to any or all of the parties.

13.5 Once the case has been determined, all parties will be advised of the decision and the reasons for it, together with their right of appeal. If determined at the hearing, the Legal Advisor to the Hearing Panel will advise those present of any advice that has been provided during the determination. If determined after the hearing, the notification of the outcome shall make reference to any such legal advice provided.

13.6 A determination may authorise an officer of the Licensing Authority to approve an application subject to conditions to be applied in accordance with the decision made at the hearing.

13.7 Whether determined at the hearing or after, the applicant shall be informed of the decision and rights of appeal in writing within five working days of the hearing.

14. Recording Proceedings

14.1 A written record of proceedings will be taken and kept for six years from the date of the determination or the disposal of any subsequent appeal, whichever is the later.

15. Irregularities

15.1 Any irregularity resulting from failure to comply with the Licensing Act 2003 (Hearings) Regulations 2005 (or any subsequent Regulations) will not of itself render the proceedings void but, if the Licensing Authority considers that any person has been prejudiced as a result of any

irregularity, it will take steps to rectify this before reaching its determination.

- 15.2 Clerical mistakes in any document recording a determination, or errors in documentation arising from an accidental slip or omission, may be corrected by the Licensing Authority.

Schedule 1

Provision under which hearing may be held <i>References are to sections of the Licensing Act 2003</i>	Period of time within which hearing must be take place	Period of notice that to be given about the hearing	Persons to whom notice of hearing will be given	Documents to accompany notice of hearing (if any)	The period of time within which a party to the hearing must confirm whether or not they intend to appear
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
<p>Determination of application for premises licence <i>Section 18(3)(a)</i></p> <p>Determination of application for a provisional statement – premises to be constructed, extended or altered</p>	20 working days commencing day after period of consultation ends	Ten working days	<p>The person who has made the application</p> <p>Persons who have made relevant representations</p>	The relevant representations that have been made	Five working days before day on which hearing is held
<p>Determination of application to vary premises licence <i>Section 35(3)(a)</i></p>	20 working days commencing day after period of consultation ends	Ten working days	<p>Holder of premises licence who made application</p> <p>Persons who have made relevant representations</p>	The relevant representations that have been made	Five working days before day on which hearing is held
<p>Determination of application to vary a premises licence to specify individual as the premises supervisor <i>Section 39(3)(a)</i></p>	20 working days commencing day after period within which police may object	Ten working days	<p>Holder of premises licence who made application</p> <p>Police</p> <p>The DPS</p>	The notice given by the Police	Five working days before day on which hearing is held

Provision under which hearing may be held <i>References are to sections of the Licensing Act 2003</i>	Period of time within which hearing must be take place	Period of notice that to be given about the hearing	Persons to whom notice of hearing will be given	Documents to accompany notice of hearing (if any)	The period of time within which a party to the hearing must confirm whether or not they intend to appear
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Determination of application for transfer of premises licence <i>Section 44(5)(a)</i>	Five working days commencing day after period within which police may object	Ten working days	The person who has made the application Police The holder of the premises licences	The notice given by the Police	Five working days before day on which hearing is held
Cancellation of interim authority notice on death etc of licence holder following police objections <i>Section 48(3)(a)</i>	Five working days commencing day after period within which police may object	Two working days	The person who has given notice Police	The notice given by the Police	One working day before day on which hearing is held
Determination of application for review of premises licence <i>Section 52(2)</i>	20 working days commencing day after period of consultation ends	Ten working days	The holder of the premises licence Persons who have made relevant representations Persons who asked for the review	The relevant representations that have been made	Five working days before day on which hearing is held
Determination of application for club premises certificate <i>Section 72(3)(a)</i> Determination of application to vary club premises certificate <i>Section 85(3)(a)</i>	20 working days commencing day after period of consultation ends	Ten working days	The club that has made the application Persons who have made relevant representations	The relevant representations that have been made	Five working days before day on which hearing is held

Provision under which hearing may be held <i>References are to sections of the Licensing Act 2003</i>	Period of time within which hearing must be take place	Period of notice that to be given about the hearing	Persons to whom notice of hearing will be given	Documents to accompany notice of hearing (if any)	The period of time within which a party to the hearing must confirm whether or not they intend to appear
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Determination of application for review of club premises certificate <i>Section 88(2)</i>	20 working days commencing day after period of consultation ends	Ten working days	The club which holds the club premises certificate Persons who have made relevant representations Persons who asked for the review	The relevant representations that have been made	Five working days before day on which hearing is held
Counter notice following police objection to Temporary Event Notice <i>Section 105(2)(a)</i>	Seven days commencing day after period within which police may object	Two working days	The premises user Police		One working day before day on which hearing is held
Determination of application for grant of a personal licence <i>Section 120(7)(a)</i>	20 working days commencing day after period within which police may object	Ten working days	The person who has made the application Police	The notice given by the Police	Five working days before day on which hearing is held
Determination of application for renewal of a personal licence <i>Section 121(6)(a)</i>	20 working days commencing day after period within which police may object	Ten working days	The person who has made the application Police	The notice given by the Police	Five working days before day on which hearing is held
Convictions coming to light after grant or renewal of personal licence <i>Section 124(4)(a)</i>	20 working days commencing day after period within which police may object	Ten working days	The holder of the personal licence Police	The notice given by the Police	Five working days before day on which hearing is held

Provision under which hearing may be held <i>References are to sections of the Licensing Act 2003</i>	Period of time within which hearing must be take place	Period of notice that to be given about the hearing	Persons to whom notice of hearing will be given	Documents to accompany notice of hearing (if any)	The period of time within which a party to the hearing must confirm whether or not they intend to appear
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Review of premises licences following closure order <i>Section 167(5)(a)</i>	Ten working days commencing day after notice given	Five working days	The holder of the premises licence Persons who have made relevant representations	The relevant representations that have been made	Two working days before day on which hearing is held
Determination of application for conversion of existing licence <i>Paragraph 4(3)(a) of Schedule 8</i>	Ten working days commencing day after Police give notice	Five working days	The person who has made the application Police		Two working days before day on which hearing is held
Determination of application for conversion of existing club certificate <i>Paragraph 16(3)(a) of Schedule 8</i>	Ten working days commencing day after Police give notice	Five working days	The club that made the application Police		Two working days before day on which hearing is held
Determination of application by holder of a justices' licence for grant of a personal licence <i>Paragraph 26(3)(a) of Schedule 8</i>	Ten working days commencing day after Police give notice	Five working days	The person who has made the application Police		Two working days before day on which hearing is held

4.0 Overview and Scrutiny Committee

4.1 Details of the functions and procedures of this committee are set out in Part 2, Chapter 7 of this constitution and in the Overview and Scrutiny Procedure Rules.

5.0 Audit and Governance Committee

5.1 The Audit and Governance Committee will have the specific role of monitoring the budget; approving the council's Statement of Accounts and acting as the council's audit committee. The committee also carries out the treasury management functions set out in detail in the Procedure Rules in Part 4 of this Constitution.

5.2 The number and arrangements for this committee are as follows:

- (a) the committee will consist of a maximum of 7 members of the council;
- (b) the committee may appoint sub-committees;
- (c) no Member of the Executive may be a Member of the committee;
- (d) Substitute Members to the committee shall be appointed by the Council in accordance with the wishes of the political group to whom the seats have been allocated.

5.3 Meetings of the committee shall be programmed in each year. There will normally be between four and six meetings annually. In addition, extraordinary meetings may be called from time to time as and when appropriate. A committee meeting may be called by the Chairman, by any four members of the committee or by the Monitoring Officer if he/she considers it necessary or appropriate.

5.4 Quorum

5.4.1 The quorum for a committee shall be one third of the committee membership as set out in Part 4A of the Constitution.

5.5 Appointment of Chairman and Vice Chairman

5.5.1 The Chairman of the Audit and Governance

Committee will be appointed by the Council at its annual meeting in May. The Vice-Chairman will be appointed by the committee at its first meeting of the civic year.

5.5.2 Subject to 5.5.1 above, the Chairman and Vice-Chairman will hold office until, in each case:

- (i) he/she resigns from the office of Chairman or Vice-Chairman; or
- (ii) he/she is no longer a Councillor.

5.5.3 Upon the occurrence of a vacancy in the office of Chairman, the Council shall appoint a Chairman at its next meeting. In the case of a vacancy in the office of Vice Chairman, the Committee shall fill the vacancy at its next meeting.

5.6 Remit

5.6.1 The terms of reference of the Audit and Governance Committee are that it will:

- (i) assist the Council and the Executive in the development of the annual budget;
- (ii) act as the council's Audit Committee. The nature of this role is specified below;
- (iii) consider means of improving and promoting the audit functions of the council;
- (iv) promote and maintain the Ethical Standards Framework;
- (v) make recommendations taking into account the advice of the Monitoring Officer of periodic amendments and updating of the Council's Constitution;

5.6.2 Audit function

As an integral part of its role as the council's audit committee, undertake the following areas:

(a)integration of the audit role: ensure that the principles of effective audit are integrated into the

work of the Audit and Governance Committee and the council generally;

(b) risk management: provide assurance of the effectiveness of the corporate risk assessment process and monitor the effective development and operation of risk management policies in the council, specifically including monitoring of the Risk Management Strategy and the Corporate Risk Register;

(c) internal audit and governance: provide an effective mechanism to monitor the control environment within the council, ensuring the highest standards of probity and public accountability by:

- reviewing and approving the Annual Audit Plan;
- challenging and following up internal audit recommendations;
- reviewing internal audit performance;
- reviewing the Annual Governance Statement and Statement of Internal Control; and
- reviewing anti-fraud and corruption controls and arrangements (including the whistleblowing process)

(d) financial statements and annual accounts: provide scrutiny of the council's financial performance by scrutinising the:

- finance monitoring reports;
- Medium Term Financial Planning;
- financial outturn reports; and
- Statement of Accounts

(e) treasury management: provide scrutiny of:

- the council's responses to changes in statutory and regulatory requirements and guidance;
- the annual Treasury Management and Investment Strategy;
- ongoing revisions to treasury management strategies and policies; and
- the mid-year treasury management review

(f) external audit: maintain and develop an objective and professional relationship with the council's external auditors and ensure any issues arising from inspection are dealt with including:

- annual audit and Inspection plan and any resulting reports; and
- consideration of how the external audit is conducted and any issues arising.

(g)Annual Audit Letter

(h)Statement of Auditing Standard (SAS) 610

(i)Communications

(j)procurement: ensure formal reporting of procurement issues including:

- contract waivers;
- update and revision of Contract Procedure Rules; and
- issues arising from contracts that may impact on the council's finances.

5.6.3 Ethical Standards Framework

- (vii) promote and maintain high standards of conduct of Members and Co-opted Members of the Council;
- (viii) promote and provide guidance on high standards of conduct to be followed by members of Town and Parish Councils;
- (ix) manage complaints on behalf of Town and Parish Councils;
- (x) advise the Council on the adoption or revision of the Members' Code of Conduct;
- (xi) receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the council's assessment criteria;
- (xii) receive reports from the Monitoring Officer and assess the operation and effectiveness of the Members' Code of Conduct;
- (xiii) train Members and Co-opted Members to observe the Members' Code of Conduct;
- (xiv) assist Members and co-opted Members to observe the Members' Code of Conduct;
- (xv) hear and determine complaints about Members and Co-Opted Members referred to it by the Monitoring Officer;
- (xvi) advise the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards or conduct throughout the council;
- (xvii) maintain an oversight of the council's arrangements for dealing with complaints;
- (xviii) inform the Council and the Chief Executive of relevant

- issues arising from the determination of Code of Conduct complaints;
- (xix) appoint the Standards Sub-Committee drawn from three members of the Committee which will exercise, on a delegated basis, the functions as set out in the sub-committee terms of reference. The committee should reflect Member representation where practicable;
- (xx) exercise the power to consider and grant dispensations to Members where:
- the number of Members precluded from transacting the business is so great that it would impede the business of the Council, committee or Executive; or
- the political balance is affected to the extent that it could affect the outcome of a vote relating to the business.

5.7 Standards Sub-Committee Terms of Reference

- (i) To consider assessment and investigation reports in respect of Code of Conduct complaints that are referred to it by the Monitoring Officer.
- (ii) To conduct a hearing into an allegation that a Member or co-opted Member of the Council or Town/Parish Council has breached the relevant code of conduct. At such a hearing, the Member against whom a complaint has been made may respond to the investigation report. Following the hearing the sub-committee can make one of the following findings:
- that the Member has *not* failed to comply with the Code of Conduct and no further action needs to be taken in respect of the matters considered at the hearing;
 - that the Member *has* failed to comply with the Code of Conduct but no further action needs to be taken in respect of the matters considered at the hearing; or
 - that the Member *has* failed to comply with the Code of Conduct and a sanction and/or an informal resolution should be imposed.
- (iii) The sub-committee may impose any action or combination of actions available to it, or impose any informal resolution or combination of informal resolutions as are available to it either by law or policy.

- (iv) After making a finding the sub-committee shall, as soon as reasonably practicable, provide written notice of its findings and the reason for its decision to the Member and the complainant.
- (v) To apply the council's Standards Complaints Procedure and Complaints Standards Sub-Committee Procedure to hearings before the sub-committee.
- (vi) All Members who sit on a Standards sub-committee must receive mandatory training.

6.0 Human Resources Committee

Remit

- 6.1 The functions of the Human Resources (HR) Committee (herein referred to as 'the Committee') relate to all aspects of the council's role as an employer. These functions include the monitoring and strategic overview of HR activity in the areas detailed below.

Membership and Meeting Arrangements

- 6.2 The Committee, consisting of seven Members (and up to three substitutes) will be appointed annually by the Council and will be politically balanced.
- 6.3 The Committee will meet in accordance with a schedule of ordinary meetings, although meetings may be cancelled due to lack of business, or additional meetings may be arranged as necessary, in consultation with the Chairman of the Committee.

Delegation of Functions

- 6.4 The majority of the Committee's functions will be determined by officers, as set out in Part 3C of this Constitution. The Committee's terms of reference are matters relating to:

- (a) Recruitment and retention;
- (b) Terms and conditions and benefits offered to officers;
- (c) Valuing diversity, with particular reference to achieving a workforce that is representative of our community and achieving a higher level of the equality standard;
- (d) Officer relations issues, including disputes;
- (e) HR services, including definition of processes and implementation of timetables;
- (f) Learning and development, with particular reference to developing officers to ensure that we have the relevant skills to achieve our corporate priorities;
- (g) Absence management;
- (h) The means by which officers' performance should be managed, using performance development reviews (PDRs) and competencies and/or other processes as available;
- (i) The approval and implementation of new and revised HR policies as developed;
- (j) Consideration of current, future and potential initiatives and developments in HR thinking and best practice;
- (k) Overseeing the implementation and co-ordination of the member training programme;
- (l) Acting as the council's steering group to advise it in relation to the discharge of its responsibilities for health and safety by:
 - (i) providing a focus for the consideration of health and safety matters;

- (ii) monitoring the steps taken within the council to ensure the health and safety of its stakeholders; and
 - (iii) advising the authority of the steps that may be required to comply with regulations and codes of practice.
- (m) Head of Paid Service dismissal, grading, grievance and redundancy and early retirement pay (in line with national conditions and local procedures); and
- (n) All other matters relating to the employment of officers within the council, in accordance with the council's procedures and delegated authorities.

Procedure at meetings

6.5 Meetings of the Committee will be conducted in accordance with the Council Procedure Rules.

7.0 Chief Officer Recruitment Committee

Remit

7.1 The appointment of Chief Officers.

Membership and Meeting Arrangements

7.2 The Chief Office Recruitment Committee will be appointed annually by the Council and will be politically balanced. It will consist of five Members and include at least one member of the Executive.

7.3 The Committee will meet as and when required.

Delegation of Functions

7.4 The Committee has delegated authority to, on behalf of the Council, select and interview candidates and make recommendations on Chief Officer appointments.

Procedure at meetings

7.5 Meetings of the Committee will be conducted in accordance with the Council Procedure Rules.

8.0 Local Joint Panel

Remit

8.1 The Local Joint Panel is the joint union and employer negotiation and consultative body.

Membership and Meeting Arrangements

8.2 The Local Joint Panel will consist of four Members of the Council ('the Employer') to be appointed annually by the Council and four representatives of officers drawn from the constituent trade union (currently UNISON).

8.3 Named substitute members may be appointed by either side, to attend meetings of the Local Joint Panel in the absence of a member thereof, provided prior notice is given to the Head of Legal and Democratic Services.

8.4 In the event of any failure to appoint/elect the number of representatives provided for by this Constitution, such failure to appoint/elect shall not invalidate the decisions of the Panel.

8.5 If a member of the Local Joint Panel ceases to be a Member or officer of the council he or she shall cease to be a member of the Local Joint Panel; any vacancy shall be filled by the Council, the constituent trade union or the combination of the two.

8.6 A Chairman and a Vice Chairman shall be appointed by the Local Joint Panel at its first meeting in each year. If the Chairman appointed is a Member of the Council, the Vice Chairman shall be appointed from the employees' side, and vice versa. The appointment of the Chairman of the Panel shall be rotated on an annual basis between the employer's side and the employees' side. The Chairman of a meeting may vote as a Panel member but shall not have a casting vote.

- 8.7 The Head of Human Resources and Organisational Development or a senior Human Resources Officer shall act as secretary to the employer's side.
- 8.8 The Local Joint Panel shall meet during office hours as and when required, but not less than quarterly. The Chairman or Vice Chairman may direct the secretary to call a meeting at any time. A meeting shall be called within seven days of the receipt of a requisition signed by at least two members of either side. The matters to be discussed at any meeting of the Local Joint Panel shall be stated upon the notice summoning the meeting.
- 8.9 Agendas shall be prepared by Democratic Services, after discussion with the Head of Human Resources and Organisational Development (or a senior Human Resources Officer), the Chairman and the Vice Chairman, and shall be circulated at least five clear days before the meeting.
- 8.10 Either side will have the right to co-opt, in a consultative capacity, representatives of particular interests affected by a question under discussion which are not directly represented on the Panel but only for the period during which the relevant question is under consideration.
- 8.11 Either side shall arrange for the attendance in an advisory capacity of an officer or trade union official at any Panel meeting where it would be helpful to the business under discussion.
- 8.12 Attendances at 8.10 and 8.11 above shall be notified in advance to the Head of Human Resources and Organisational Development in his or her capacity as secretary to the employer's side.
- 8.13 No recommendation shall be regarded as carried unless it has been approved by a majority of the members present on each side of the Local Joint Panel, and in the event of either the Local Joint Panel being unable to arrive at an agreement or the relevant council body disagreeing with the Panel's recommendations, then the matter in dispute should be referred to the Executive by way of mediation.

8.14 The proceedings of any meeting of the Local Joint Panel shall be recorded and reported at the next meeting of the Human Resources Committee.

Delegation of Functions

8.15 The functions of the Local Joint Panel shall be:

- (a) To establish regular methods of consultation and negotiation between the council and its officers on matters of mutual concern with the intent of maintaining and developing an efficient service. This process will aim to address differences should they arise with a genuine commitment to seek consensus and enter into agreements, as appropriate. No question of any individual's discipline, promotion, efficiency or conditions of employment shall be within the scope of the Joint Panel;
- (b) To consider any relevant matter referred to it by a committee of the Council, or by any of the officer organisations;
- (c) To make recommendations to Human Resources Committee and/or a suitable committee of the Council as to the application of the terms and conditions of service and the education and training of officers of the council;
- (d) To discharge such other functions specifically referred to the Local Joint Panel with the exception of staffing issues;
- (e) To consider matters relating to Health and Safety at Work referred to the Local Joint Panel by an Employee Association or by a committee of the council; and
- (f) the trade union(s) recognised by the council shall represent all council officers. This duty will include raising issues on behalf of non-trade union members, should they be requested to do so.

Procedure at meetings

- 8.16 Procedure at meetings shall be in accordance with the Council Procedure Rules, except as provided for in 8.17 below.
- 8.17 The quorum of the Local Joint Panel shall be two representatives of each side.

9.0 District Planning Executive Panel

Remit

- 9.1 To make recommendations to Council, via the Executive, on issues associated with the East Herts District Plan.

Membership and Meeting Arrangements

- 9.2 The District Planning Executive Panel (herein referred to as 'the Panel' in this section 9) will be appointed annually by the Executive and membership will be drawn from the Executive only.
- 9.3 The Panel will meet as and when required.

Delegation of Functions

- 9.4 None – all matters to be subject to recommendations to Council via the Executive.

Procedure at meetings

- 9.5 Meetings of the Panel will be conducted in accordance with the Executive Procedure Rules.

Joint Committee Arrangements

The council has entered into joint arrangements with neighbouring authorities for the joint provision of various services that cut across local government boundaries. These arrangements have been individually agreed with the relevant neighbouring councils as follows:

10.0 East Herts/North Herts/Stevenage/Hertsmere CCTV Joint Committee Executive Board

Purpose of the CCTV Executive Board

- 10.1 To discuss and agree the strategic and policy issues relating to the jointly owned and operated CCTV Control and Monitoring service.
- 10.2 To deal with all matters defined under the CCTV 'Code of Practice' as the responsibility of the CCTV Executive Board.
- 10.3 To consider and approve expansion or contraction proposals for the CCTV Control Room, Network, and monitoring service.
- 10.4 To consider and agree changes to the CCTV 'Code of Practice'.
- 10.5 To ensure the Independent inspection regime is set up and maintained.
- 10.6 To receive and approve the Independent Inspectors annual report.
- 10.7 To consider complaints regarding any breaches of the CCTV 'Code of Practice' and recommendations for preventing breaches. To recommend disciplinary action where appropriate.

Constitution of the CCTV Executive Board

- 10.8 The CCTV Executive Board is constituted as a joint committee of each of the councils' Executive Committees, comprising of three elected members of each council.
- 10.9 Meetings shall be held at least one per annum or when there is sufficient business.
- 10.10 To make recommendations on any of the above to the Officer Management Board.

Quorum

- 10.11 A Quorum shall be three members with at least one from each of the partner authorities.

Chairman

- 10.12 The Chairman shall be a member of the Authority hosting the meeting.

Venue

- 10.13 The meetings shall be held alternatively at the offices of the partner authorities.

Procedural Matters

- 10.14 The meetings shall follow the normal Standing Orders of the hosting Authority.

11 East Herts Council and Stevenage Council Joint Revenues and Benefits Committee

Purpose

- 11.1 This is a joint committee of Stevenage Borough and East Hertfordshire District, under the provisions of section 10 of the Local Government Act 1972 and all regulations made thereunder.
- 11.2 The terms of reference of the committee are as follows:
- (a) To approve the annual service plan for the Shared Revenues and Benefits Service;
 - (b) To receive explanations of variances in service performance against the agreed service plan;
 - (c) To approve the budget of the shared service and where so delegated determine requested virements within that budget;

- (d) To give initial consideration to future development of the shared service and any changes in legislation that may affect service delivery and make recommendations thereon to the Executive or officers; and
 - (e) Where it is considered appropriate, report to the Executives of the constituent councils.
- 11.3 The Joint Committee shall consist of three named elected Members from each council with full voting rights. The Members appointed shall serve on the committee until successors in office are appointed.
- 11.4 The Joint Committee shall at its first meeting each year, elect one of its Members to be Chair and one of its Members to be Vice- Chair, with the chair from one Council and the Vice Chair from the other. These positions shall be rotated annually. The Chair and Vice-Chair shall unless they resign or cease to be Members of the Joint Committee, continue in office until their successors have been appointed.

Quorum

- 11.5 The quorum of a meeting of the Joint Committee will be three elected members, with at least one from each council. If at any part during a meeting, a quorum is not present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair.

Voting

- 11.6 Matters will be decided by the Joint Committee by a simple majority of those Members voting and present in the room at the time the question was put. The Chair shall take the votes by a show of hands. If there are equal votes for and against, the Chair may exercise a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote, save that if no second or casting vote is made, the proposal will automatically fail.

Administration

- 11.7 The Access to Information Rules (as set out in the Constitutions of the constituent councils) to apply to all meetings.
- 11.8 Each constituent council acts as host to the meetings in alternate years, with the relevant host council convening those meetings, distributing the agenda, clerking the meetings and producing the minutes.
- 11.9 Meetings to be held in January (service planning for coming year) and October for budgets and mid-year service plan review. Constituent councils are to liaise to confirm mutually suitable times/dates.

Review

- 11.10 The constituent councils will review the Joint Committee's terms of reference annually.

12 Financial Sustainability Committee

Remit

- 12.1 The Financial Sustainability Committee (in this Section 3 referred to as "the Committee") may undertake the Council's function to:
- (a) review and advise on initiatives to generate income for the Council;
 - (b) promote financial sustainability and stability by generating income;
 - (c) decide to invest on projects within the financial budget delegated to it.

Membership and meeting arrangements

- 12.2 The Committee shall consist of 10 Members. It shall be appointed annually by the Council and shall be politically balanced. The Chairman will:

- (a) have full understanding of his or her procedural responsibilities, in accordance with the principles set out in paragraph 5.2 of Chapter 5 of the Constitution;
- (b) be responsible for Member-to-Member engagement;
- (c) lead on other Member-related duties including the appointment of Members of the Committee and non-voting co-optees to task and finish groups.

12.3 The Committee will meet in accordance with a schedule of ordinary meetings, although meetings may be cancelled due to lack of business. With the agreement of the Chairman (or Vice-Chairman in the absence of the Chairman) additional meetings of the Committee may also be called if necessary.

Delegation of functions

12.4 The Committee will consider:

- a) progressing with one or more projects within the delegated capital budget. Each Project's budget shall need to include all foreseeable costs (for example Fees, Stamp Duty Land Tax and VAT);
- b) the criteria for officers to search for investment opportunities. These criteria will be reviewed regularly and adjusted accordingly in line with the economic markets and risk profile that the Council wish to operate in;
- c) decide on recommendation reports put forward by officers requesting authority to proceed with a project and allow for investment in due diligence;
- d) the review of current project progress and to make further decision to proceed or stop projects should due diligence uncover any adverse effects on the business case;
- e) business cases for financial investment in service areas for income generation. Reports will be brought to the committee before full Council for consideration and approval to proceed with the Committee's support and recommendation;
- f) business cases for financial investment with a budget higher than the Committee's delegated budget threshold. Such reports will be brought for the Committee consideration and

- approval to progress with the Committee's support and recommendation;
- g) establishing subcommittees to agree recommendations on specific projects where changes to a business case may occur due to changing variables.

Procedure at meetings

- 12.5 Any meetings of the Committee will require a quorum of more than one third of the membership (minimum of 4 members).
- 12.6 Meetings of the Committee will be conducted in accordance with the Council Procedure Rules where they apply to Committees. In particular Rules 5.5 – 9, 12.3 – 12.6, 15, 18 – 23 and 25 – 26 apply to meetings of committees and sub-committees.
- 12.7 Voting arrangements will be as set out at Rule 18, the most relevant provisions being summarised as follows:

Majority: any matter will be decided by a simple majority of those Members of the Committee voting and present in the room at the time the question was put;

Chairman's casting vote: if there are equal numbers of votes for and against, the Chairman will have a second or casting vote;

Show of hands: the Chairman will take the vote by show of hands asking Members to indicate whether they are for, against or abstain, unless a ballot or recorded vote is taken;

Ballot: the vote will take place by ballot if five Members present at the meeting demand it; the Chairman will announce the numerical result of the ballot immediately the result is known;

Recorded vote: if five Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

Meetings timetable

- 12.8 Meetings of the Committee will be programmed in each civic year. There will normally be six meetings of the Committee annually. In addition, extraordinary meetings may be called from time to time as and when required. Extraordinary meetings may be called by the Chairman of the Committee, or by any four members of the Committee.