

PART 3

RESPONSIBILITY FOR FUNCTIONS

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Responsibility for Functions

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RESPONSIBILITY FOR FUNCTIONS

1. RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulation 2000 sets out the “local choice functions”. These are the functions where the Council has a choice as to whether they should be allocated to the Cabinet, to the Council or to regulatory committees. The following table shows how the Council has decided to allocate these functions and which of the above decision-making bodies is responsible for the function in question. Section 2 goes on to describe the additional roles and responsibilities of those bodies.

LOCAL CHOICE FUNCTION	DECISION MAKING BODY
1. Any function under a Local Act	The Leader
2. Determining an appeal against any decision made by or on behalf of the authority where there is a right of appeal to a Council Committee. (This excludes matters where statutory arrangements exist.)	Licensing/Regulatory and Appeals Committee
3. – 6. Do not apply.	
7. Arrangements under section 20 of The Police Act 1996 for enabling questions to be put on the discharge of the functions of a Police Authority.	The Council
8. The making of appointments to the Lincolnshire Police and Crime Panel	The Council
9. Conducting service reviews (formerly best value reviews)	The exercise of this function to be determined by the Leader, subject at all times to the involvement of the Overview and Scrutiny Committees as shown in Article 6 of the Constitution.
10. – 15. Any function relating to contaminated land and statutory nuisances.	Regulatory functions will be dealt with by the Planning Committee with delegation to officers. Policy matters to be determined by the Leader.
16. & 17. Planning and other information notices	To be determined by the Leader
18. Does not apply	

19. Appointments to outside bodies	<p>The Council for where the appointment relates to Council functions.</p> <p>The Leader where the appointment relates to an executive function.</p>
20. The making of agreements with other local authorities for placing of staff at the disposal of those other authorities.	The Council
21. Does not apply.	

2. RESPONSIBILITY FOR COUNCIL AND NON-EXECUTIVE FUNCTIONS

2.1 (“Council Functions” are the statutory functions of the Borough Council which may not be exercised by a Leader and Cabinet Executive.)

Except where listed below or in the Scheme of Delegation to Officers (Non-executive functions) the full Council retains responsibility for the exercise of the statutory functions set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended by the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001 (so far as the Borough Council has any responsibilities for them.)

Committee	Membership	Functions	Delegation of Functions
Planning Committee	Appointed Members of the Council	Planning and Enforcement Functions relating to town and country planning and development control as specified in Section A Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended, and the functions relating to extinguishment of public rights of way, stopping up or diversion of footpaths, protection of important hedgerows and preservation of trees at Section 1 of that Schedule.	Planning Committee in accordance with the terms of reference set out in Article 8.1 of the Constitution Head of Service with responsibility for Planning in accordance with the annexed Scheme of Delegation and Appeals.
Licensing/Regulatory and Appeals Committee	Appointed Members of the Council	Licensing and Regulation Functions as specified in Section B Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. (So far as the Borough Council has responsibility for them.) Health and Safety at Work Functions as specified in Section Constitution Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Appeals. To hear and	Licensing/Regulatory and Appeals Committee in accordance with the terms of reference set out in Article 8.2 of the Constitution. Head of Service with responsibility for Regulatory Services in accordance with the annexed Scheme of Delegation.

		<p>determine appeals against decisions made by or on behalf of the authority where there is a right of appeal to a Council committee.</p> <p>(Note: Responsibility for health and safety for the local authority as an employer must be the responsibility of the Cabinet.)</p>	
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2.2 Some functions can only be carried out by the Council. These functions are set out in Article 4.2 of the Constitution together with other important non-executive functions that have not been delegated.

3 RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

3.1 Decision taking

The Cabinet will be responsible for the implementation of decisions within the policy framework set by the Council in relation to all of the Council's functions which are not the responsibility of any other part of the Council whether by law or under this Constitution.

The Leader of the Council may determine to exercise any of the executive functions of the Council personally, or may arrange for the exercise of any of the Council's executive functions by

- (i) the Executive; or
- (ii) by another member of the Executive; or
- (iii) by a committee of the Executive; or
- (iv) by an officer of the Council

and paragraphs 3.2 and 3.3 below will accordingly be of no effect

3.2 Cabinet Portfolios

The detailed remits of the Cabinet are set out in Part 1 of the Constitution. Any items not within the scope of the individual portfolios are the responsibility of the Leader of the Council.

3.3 Delegation to Officers

A Scheme of Delegation to Officers, approved by the Council, is outlined in the attached Appendix. It sets out the executive decisions that officers of the Council have power to take.

4. OVERVIEW AND SCRUTINY ROLE

- 4.1 There shall be two permanent Overview and Scrutiny Committees (Corporate and Community Committee and Environment and Performance Committee) to scrutinise the decisions and performance of the Cabinet and the effect of existing policies.
- 4.2 The Overview and Scrutiny Committees shall not have delegated powers.
- 4.3 The terms of reference for the Overview and Scrutiny Committees are set out below:-

4.4 Terms of Reference

1. To carry out overview and scrutiny functions on behalf of the Council.
2. To appoint as required such Task and Finish Groups as it considers appropriate to assist with fulfilling those overview and scrutiny functions.
3. To prepare, adjust and update from time to time the annual overview and scrutiny work programme within its area of responsibility and to report details as appropriate to the Council.
4. To put in place a system to ensure that all overview and scrutiny work is carried out efficiently including referrals from Overview and Scrutiny Committees to the Cabinet, either by way of report or for reconsideration.
5. To review service plans and policy implementation and raise policy issues with the Cabinet and/or Council, whichever is appropriate.
6. To carry out performance management responsibilities for every service including receiving information on the outcome of service delivery plans.
7. To make recommendations to either the Cabinet and/or Council regarding the development of future policies and strategies.
8. To scrutinise decisions taken by the Cabinet, but not yet implemented, which fall within the remit of the committee, by means of the Call In procedure.
9. To report and recommend to Council or the Cabinet, on the discharge of functions or matters that affect the Council's area or its residents.
10. In association with the Cabinet, and subject to any timescales, to respond to Government or external consultations concerning issues within the remit of the Committee.
11. To consider matters raised under Councillor Call for Action procedures (CCfA) in terms of a local government matter (as contained in S119 of the Local Government and Public Involvement in Health Act 2007 and S21A of the Local Government Act 2000).
12. To consider matters raised under Councillor Call for Action (CCfA) in terms of local crime and disorder issues (as contained in S19 of the Police and

Justice Act 2006) which will be considered by the Environment and Performance Committee.

4.5 Proceedings of the Overview and Scrutiny Committees

Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules as set out in Part 4 of the Constitution.

REMITS OF THE OVERVIEW AND SCRUTINY COMMITTEES

Overview and Scrutiny Committee - Corporate and Community (11 Members)

Corporate Priority 2 – People

We must support and protect all vulnerable people within our borough.

Our key aims:

- Protect the public
- Support the most vulnerable in our borough
- Provide affordable homes
- Maintain our excellent welfare support performance
- To play a supporting role in meeting the wider health & wellbeing needs of our community by continuing to work closely with our partners.

To deliver this priority we will:

- Provide quality regulatory services to protect them from harm
- Provide quality welfare support to those who need it the most in a timely manner
- Work with all of our partners to increase the supply and range of affordable and flexible housing products available to our residents
- Continue to promote, support and enforce housing standards throughout the housing market, especially within the private rented sector
- To help and support our residents who have housing needs that they cannot meet themselves
- Working to explore all funding opportunities available to meet the range of housing needs in our borough

Corporate Priority 4 – Public Service

The council has a key role to play in our local area to provide essential services and operate within the current financial context.

Our key aims:

- Continue to champion devolution of powers from central Government to support development in our area and to get a fair deal for rural councils
- (continued) Transformation of our council to meet the challenge of reducing resources in an area of significant population growth
- Demonstrate excellent governance

- Ensure financial stability by operating commercially where practicable but retaining our public values
- To protect essential public services in Boston

To deliver this priority we will

- Seek to make the best use of our assets
- Seek opportunities to maximise income to support key council services
- Share resources with partners where possible
- Work with our Greater Lincolnshire partners to progress the devolution deal
- Continue to lobby for fair funding for rural councils
- Work with partners to lobby for essential public services being maintained in our locality.

Overview and Scrutiny Committee – Environment and Performance (11 Members)

Corporate Priority 1 – Prosperity

We need a strong economy which is growing which will generate more and better job opportunities and will attract people and businesses to the area.

Our key aims:

- Promote and support inward investment into the borough
- Support business development and growth for new and existing businesses
- Infrastructure development
- Support housing growth
- Develop our tourism, heritage and cultural opportunities

To deliver this priority we will:

To deliver this priority we will:

- Provide support to businesses
- Support business growth and work with funding organisations to facilitate this
- Have the South East Lincolnshire Local Plan adopted during 2017 to ensure we have a five-year housing land supply, allocate land for industry and pave the way for ongoing development of a distributor road for Boston
- Continue to operate flexible planning policies to support development in the town centre and the wider borough
- Work in partnership with Lincolnshire County Council, Environment Agency, Internal Drainage Boards and others to seek to develop our considerable waterways opportunities and in particular delivery of the Boston Barrier
- Support delivery of more homes
- Work in partnership to develop Boston as a tourist destination
- Work in partnership to secure funding to preserve and develop our rich heritage

Corporate Priority 4 – Public Service

The council has a key role to play in our local area to provide essential services and operate within the current financial context.

Our key aims:

- Continue to champion devolution of powers from central Government to support development in our area and to get a fair deal for rural councils
- (continued) Transformation of our council to meet the challenge of reducing resources in an area of significant population growth
- Demonstrate excellent governance
- Ensure financial stability by operating commercially where practicable but retaining our public values
- To protect essential public services in Boston

To deliver this priority we will

- Seek to make the best use of our assets
- Seek opportunities to maximise income to support key council services
- Share resources with partners where possible
- Work with our Greater Lincolnshire partners to progress the devolution deal
- Continue to lobby for fair funding for rural councils
- Work with partners to lobby for essential public services being maintained in our locality.

5. Regulatory Committees

5.1 Planning Committee (13 Members)

Terms of Reference

The Committee has delegated authority to:-

- (i) Exercise and perform the powers and duties of the Council as a Local Planning Authority under the Town and Country Planning Acts and associated Orders and Regulations, and the Building Act 1984 and other allied legislation* in relation to the following functions:-

Development Control – Applications for planning permission, listed building consent, conservation area consent, advertisement control and other applications and notifications covered by the Planning Acts.

** Including functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the Functions Regulations) as amended*

- (ii) Consider all matters relating to the making and administration of Tree Preservation Orders.

- (iii) Exercise the duties and powers of the Council in respect of Building Control where these have not been delegated to professional officers.
- (iv) Exercise the duties and powers of the Council in respect of the control of pollution, statutory nuisance and other environmental protection functions where these have not been delegated to professional officers.

Notes:

- The Committee must be politically balanced.
- The Committee will be briefed and/or consulted on changes to planning policies, budgets, procedures and legislation as may be considered prudent by the Head of Planning.
- The Local Development Framework (LDF) and other Planning functions are reserved to the Cabinet for decision. The LDF forms part of the Council's policy framework as described in Article 4. The Cabinet is responsible for formulating the Local Development Scheme for approval by full Council.

It should also be noted that certain residual planning functions are the responsibility of the Cabinet and not of the Regulatory Committee. These Cabinet functions include the following:-

- ◆ Preparation of supplementary planning guidance;
- ◆ Designation of conservation areas, areas of archaeological interest and nature reserves;
- ◆ Removal of permitted development rights through Article 4 Directions; and
- ◆ Making compulsory purchase orders.

5.2 Licensing/Regulatory & Appeals Committee (12 Members)

Terms of Reference

The Council has delegated authority to the Licensing/Regulatory & Appeals Committee as follows:-

(a) In relation to licensing matters:-

- To consider applications for licenses and registrations covering persons, premises, vehicles, businesses, activities and gambling where an officer chooses not to exercise delegated powers.
- To determine whether to revoke, suspend or refuse to renew any license or registration.

(b) To determine appeals for National Non-Domestic Rates Hardship Relief and Discretionary Rate Relief and to determine appeals under S13A Local Government Finance Act 1992 for a reduction in the amount of Council Tax payable.

- (c) To consider high hedge complaints.
- (d) To monitor and review policy relating to licensing matters and make recommendations to Cabinet or Council as appropriate in relation to any proposed changes.
- (e) To determine appeals for Discretionary Housing Payments under the Discretionary Financial Assistance Regulations 2001.

5.3 Licensing Sub Committee

Membership

3 Members*

Terms of Reference

To consider and determine:

1. Applications under the following provisions of the Licensing Act 2003:

	Provision under which a hearing is held	Circumstances under which a hearing is held
a.	Section 18(3)(a) (determination of application for premises licence)	If representations made
b.	Section 31(3)(a) (determination of application for a provisional statement)	If representations made
c.	Section 35(3)(a) (determination of application to vary premises licence)	If representations made
d.	Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor)	If police representation made
e.	Section 44(5)(a) (determination of application for transfer of premises licences)	If police representation made
g.	Section 48(3)(a) (cancellation of interim authority notice following police objection)	All cases
h.	Section 52(2) (determination of application for review of premises licence)	All cases
i.	Section 72(3)(a) (determination of application for club premises certificate)	If representations made

	Provision under which a hearing is held	Circumstances under which a hearing is held
j.	Section 85(3) (determination of application to vary club premises certificate)	If representations made
k.	Section 88(2) (determination of application for review of club premises certificate)	All cases
l.	Section 105(2)(a) (counter notice following police or environmental health objection to temporary event notice)	All cases
m.	Section 120(7)(a) (determination of application for grant of personal licence)	If police representation made
n.	Section 121(6)(a) (determination of application for the renewal of personal licence)	If police representation made
o.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence)	All cases
p.	Section 167(5)(a) (review of premises licence following closure order)	All cases
q.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence)	If police representation made
r.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)	If police representation made
s.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence)	If police representation made
t.	Section 25A (Determination of application for the alternative licence condition to be included in the licence instead of the conditions in Section 19(2) and (3))	If police representation made

	Provision under which a hearing is held	Circumstances under which a hearing is held
u.	Section 41D (Determination of application by community premises to disapply the mandatory conditions for alcohol on a premises)	If police representation made
v.	Section 52A (Determination of application for a review: supply of alcohol from community premises)	If police representation made
w.	Section 53A (Determination of application for expedited reviews)	If police representation made
x.	Section 53B (Determination of application for interim steps)	If police representation made
y.	Section 53C (Determination of application for a review of premises licence following review notice)	If police representation made

2. Applications under the following provisions of the Gambling Act 2005:

	Matter to be dealt with and relevant provision	Circumstances under which a hearing is held
a.	Application for Premises Licence (Section 162)	If representations made and not withdrawn
b.	Application for variation to a Premises Licence (Section 187)	If representations made and not withdrawn
c.	Application for transfer of a Premises Licence (Section 188)	If representations received from the Commission
d.	Application for a provisional statement (Section 204)	If representations made and not withdrawn
e.	Review of a Premises Licence (Section 201)	All cases
f.	Application for Club Gaming Permit or Club Machine Permit (Sections 271 – 274 and Schedule 12)	If objections have been made and not withdrawn; or if intention to refuse the application

	Matter to be dealt with and relevant provision	Circumstances under which a hearing is held
g.	Cancellation of Club Gaming Permit or Club Machine Permit (Sections 271 – 274) and Schedule 12)	All cases
h.	Decision to give a counter notice to a Temporary Use Notice (Section 224)	All cases
i.	Application for licensed premises Gaming Machine Permit (Section 283)	If intention to refuse the application, either wholly or in part
j.	Cancellation or variation of a licensed premises Gaming Machine Permit (Section 284)	All cases
k.	Application for a Family Entertainment Centre Gaming Machine Permit (Section 247)	If intention to refuse the application
l.	Application for a Prize Gaming Permit (Section 289)	If intention to refuse the application
m.	Consideration of objections to a Temporary Use Notice and decision whether to give a counter-notice (Section 224)	If notices of objection have been given and not withdrawn (unless all parties agree that a hearing is unnecessary)

3. Where a settlement offer is received during appeal proceedings in the Magistrates Court less than 5 clear days prior to the first day of the appeal hearing, the Chairman of the Licensing Sub-Committee that determined the application or review to have delegated powers to accept/refuse offers of settlement in consultation with the Principal Licensing and Land Charges Officer and the Solicitor to the Council. In all other cases the Licensing Sub-Committee that determined the application or review to have delegated powers to accept/refuse the same, in consultation with the Principal Licensing and Land Charges Officer and Solicitor to the Council.

Notes:

* Three Members per meeting shall be drawn on an ad-hoc basis from the membership of the Licensing Committee. The meeting will still be quorate in the event of one Member having to leave the meeting.

In determining applications under the above provisions the Sub-Committee shall have regard to any guidance given by the Licensing Committee in relation thereto
Provisions under which hearings under the Licensing Act 2003 may be heard and the period of time within which hearings must be commenced is set out at Appendix A.

A Procedure Note for the conduct of meetings of the Sub-Committee for hearings under the Licensing Act 2003 is set out in Appendix B.

Appendix A

Provisions under which hearings may be heard and the period of time within which hearings must be commenced

	Provision under which hearing is held.	Period of time within which hearing must be commenced.
1.	Section 18(3)(a) (determination of application for premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c).
2.	Section 31(3)(a) (determination of application for a provisional statement).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 30.
3.	Section 35(3)(a) (determination of application to vary premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under Section 17(5)(c) by virtue of section 34(5).
4.	Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 37(5).
5.	Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 42(6).
6.	Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 48(2).
7.	Section 52(2) (determination of application for review of premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 51(3)(c).

	Provision under which hearing is held.	Period of time within which hearing must be commenced.
8.	Section 72(3)(a) (determination of application for club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c).
9.	Section 85(3) (determination of application to vary club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c) by virtue of section 84(4).
10.	Section 88(2) (determination of application for review of club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 87(3)(c).
11.	Section 105(2)(a) (counter notice following police objection to temporary event notice).	7 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under section 104(2).
12.	Section 120(7)(a) (determination of application for grant of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 120(5).
13.	Section 121(6)(a) (determination of application for the renewal of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 121(3).
14.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 124(3).
15.	Section 167(5)(a) (review of premises licence following closure order).	10 working days beginning with the day after the day the relevant licensing authority receives the notice given under section 165(4).
16.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 3(2) or (3) of Schedule 8.

	Provision under which hearing is held.	Period of time within which hearing must be commenced.
17.	Paragraph 16(3)(a) of Schedule 8 (determination of application of conversion of existing club certificate).	10 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under paragraph 15(2) or (3) of Schedule 8.
18.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence).	10 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under paragraph 25(2) of Schedule 8.
19.	Section 25A (Application for the alternative licence condition to be included in the licence instead of the conditions in Section 19(2) and (3))	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under Section 51(3)(c).
20.	Section 41D (Application by community premises to disapply the mandatory conditions for alcohol on a premises)	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under Section 51(3)(c).
21.	Section 52A (Review: supply of alcohol from community premises)	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under Section 51(3)(c).
22.*	Section 53A (Determination of application for expedited reviews)	48 hours from the time of the receipt of the application.
23.*	Section 53B (Determination of application for interim steps)	48 hours from the time of the receipt of the application.
24.	Section 53C (Determination of application for a review of premises licence following review notice)	28 days beginning with the day after the end of the period during which an application for review is received.

Appendix B

Procedure Note for Licensing Hearings

1. Prior to the meeting of the Committee, the Committee will have read and familiarised themselves with the Officer's report and documents referred to in it.
2. The hearing will take place in public, subject to a discretion to exclude the public and/or parties where the public interest in doing so outweighs the public interest in the hearing taking place in public. The Committee may also exclude anyone behaving disruptively.
3. The parties are entitled to be assisted or represented by any person, whether or not legally qualified. A party is entitled to withdraw any of their representations orally at the hearing or at least 24 hours before the day or the first day of the hearing.
4. The Committee may extend any time limit in the Regulations for a specified period where it considers this to be necessary in the public interest, but must state the period of the extension and the reason for it. For example, the Committee may extend the time for making a request to call a witness (see paragraph 16 below).
5. Where a party has notified the authority that he does not intend to attend, the Committee will proceed with the hearing in his absence. Where he has not so notified the authority but does not attend, the Committee may adjourn the hearing to a specified date where it considers it necessary in the public interest to do so. Otherwise, it will proceed with the hearing.
6. Before proceeding in the absence of a party who has not indicated that they do not wish to attend, the Licensing Officer should attempt to ascertain the reason for that party's non-attendance.
7. The Committee may adjourn the hearing to a specified, or extra, date where it considers this to be necessary for the determination of the case. There are limitations on the ability of the Committee to adjourn the case beyond the time limits for determination during the transitional period and on reviews following closure orders by the police.
8. At the outset of the meeting, a Chairman will be elected and any personal and/or prejudicial interests declared.
9. Except where the Regulations make specific requirements, the procedure will be in the discretion of the Committee.
10. At the beginning of the hearing, the Committee will explain to the parties the procedure it proposes to follow.

11. The Chairman will indicate that all the papers before the Committee have been read and that the Committee is familiar with the issues. He will ask the parties to avoid repetition.
12. The Chairman will indicate the order of presentation.
13. If there are a number of objectors present, the Chairman may request that a spokesperson be appointed. He will make it clear that any party who wishes to speak will be able to do so, and that the appointment of a spokesperson does not mean that the objections of any interested party will be given less weight.
14. The Chairman may also indicate how the Committee intends to deal with conditions proposed by the parties or by the Committee itself. He may ask the parties to attempt to agree a schedule of conditions for use if the Committee is minded to grant the application. This will not mean that the Committee has formed any view of the merits. It will only come to its decision at the end.
15. A party is entitled to be represented or assisted by another person, whether or not that person is legally qualified.
16. If a party wishes a person (other than himself or his representative) to appear at the hearing he must have made a request to do so prior to the hearing within the times prescribed in Reg. 8. The request must name the person and give a brief description of the point(s) on which that person may be able to assist. In such a case, the Committee will determine the application for permission at the outset of the hearing. In determining that request, the authority will consider the representations of all parties upon the matter and may consider the relevance of the proposed evidence, the assistance it will in fact offer to the Committee and the prejudice to the parties, if the evidence is admitted or excluded.
17. Each of the parties has a right to:
 - (a) address the Committee;
 - (b) give clarification of any point, where such clarification has been sought by the Council in its notice of hearing;
 - (c) question any other party, but only where this is expressly permitted by the Committee (see para 21 below).
18. The Committee must allow an equal maximum time for the parties to exercise their rights as set out in para 17 above.
19. The Committee will set the time of the hearing at the outset, having regard to its view of the length reasonably required for the hearing. It may hear the parties briefly before setting the maximum time. It may extend the time where circumstances require.
20. The hearing is to take the form of a discussion led by the Committee. The Chairman will ensure that within the discussions, all parties are given an opportunity to state their case as set out in their written application/representations and to meet the case of opposing parties.

21. Cross-examination will not be permitted unless the Committee considers that it is required for it to give proper consideration to the case. Any application to cross-examine will be heard and dealt with at the hearing.
22. The Committee may consider cross-examination to be required, for example, where there is a genuine issue of fact, which can only be resolved fairly through cross-examination.
23. The Committee may question any party or other person(s) appearing.
24. The Committee may take into account documentary or other information provided by a party before the hearing. Information produced at the hearing may only be taken into account with the consent of all other parties. The parties are therefore strongly recommended to exchange documentary evidence and brief summaries of any proposed witness evidence at least 5 days before the hearing, otherwise they may be restricted in the information they can put before the committee. Any material exchanged should also be given to the licensing authority at the same time.
25. The Committee must disregard any information given which is not relevant to the application, representations or notice of the party giving the information. The Committee must also disregard any information which is not relevant to the promotion of the licensing objectives.
26. In certain circumstances, the Committee is required by law to make its determination at the conclusion of the hearing. This includes certain applications made during the transitional period, counter-notices following police objections to temporary events notices, and reviews of premises licences following closure orders. Otherwise the Committee is required to determine the application within five working days of the day or the last day on which the hearing was held.
27. The Committee will give reasons for its decision and will confirm the decision in writing to the parties.

Appendix C

Summary Review Procedures

On receipt of an application from the Police for a summary review of the premises licence the Licensing Authority must:

- i. within 48 hours of the time of its receipt, consider whether it is necessary to take interim steps pending the determination of a review of the premises licence; and
- ii. within 28 days after the day of its receipt, review that licence.

In calculating the 48 hours any time that is not on a working day is to be disregarded.

The Interim Steps Pending Review

The interim steps that the licensing authority must consider taking are as follows:

- i. The modification of the conditions of the premises licence (i.e. the alteration, omission or addition of or to the conditions);
- ii. The exclusion of the sale of alcohol by retail from the scope of the licence;
- iii. The removal of the Designated Premises Supervisor (DPS);
- iv. The suspension of the licence.

Where the licensing authority takes one or more of the steps above that decision takes effect immediately or as soon after as the licensing authority directs. Notice must be given immediately to the Premises licence holder and the Chief Officer of Police.

The Premises licence holder may make representations about the interim steps and should this occur a hearing must be held within 48 hours of receipt to consider those representations. Once again the 48 hours are determined by working days only. Advance notice of the hearing must be given to the Premises Licence holder and the Chief Officer of Police.

At the hearing the licensing authority must have regard to the certificate from the Police that accompanied the application, any representations by the Police and the representations of the Premises Licence holder.

The subsequent full review hearing is to be conducted in accordance with the review provisions specified in section 51 of the Licensing Act 2003.

Procedure for the Licensing Sub Committee.

The Principal Licensing and Land Charges Officer or their representative will advise legal services and democratic services of the receipt of the application and arrangements made for 3 Members to be available within 48 hours to sit as a Sub Committee.

If Members are unable to meet in person then a conference call will be arranged for the purposes of holding the Interim Hearing.

At the hearing a report will be given to Members by the Principal Licensing and Land Charges Officer or their representative advising them of the application and the interim steps will be considered. The meeting shall be attended by the 3 members of the Sub Committee, legal services, democratic services and the Principal Licensing and Land Charges Officer or representative. Any decision made shall be relayed to the Premises Licence holder and the Chief Officer of Police, both verbally and in writing by the Licensing section that same day.

A full review hearing shall be arranged which must be held no later than 28 days after the receipt of the certificate from the Police.

If representations are received from the Premises Licence holder as a result of the interim steps the Sub Committee will be reconvened within 48 hours of receipt to deal with these representations. The Premises Licence holder and Chief Officer of Police will be notified of the hearing and invited to attend. A verbal report will again be given by the Principal Licensing and Land Charges Officer or their representative.

Members must then consider whether the interim steps are necessary for the promotion of the licensing objectives and determine whether to withdraw or modify the interim steps.

Members must have regard to the certificate submitted by the Police, any representations made by the Police and the representations made by the Premises Licence holder. Any decision shall be relayed to the Premises Licence holder and the Chief Officer of Police, both verbally and in writing by the Licensing section that same day.

At the full review hearing the normal procedure for dealing with reviews shall be followed. A fresh Sub Committee shall be formed to deal with the full review and shall exclude those 3 Members who made the initial interim decision(s).

5.4 Regulatory and Appeals Sub Committee

Membership

3, drawn from the Regulatory and Appeals Committee

Terms of Reference

1. To consider decisions to grant, renew, suspend or revoke, any licence, permit, consent or registration, or deal with any condition imposed or to be imposed on a licence, permit or registration.
2. To consider appeals for National Non-Domestic Rates Hardship Relief and Discretionary Rate Relief and to determine appeals under Section 13A Local Government Finance Act 1992 for a reduction in the amount of Council Tax payable.
3. To consider High Hedge Complaints.

6. Audit and Governance Committee - (9 Members + 1 Non-elected Member)

Terms of Reference TO BE RATIFIED BY FULL COUNCIL

Statement of purpose

1. Our audit and governance committee is a key component of Boston's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
2. The purpose of our audit and governance committee is to provide independent assurance to the members of the adequacy of the risk management framework and the internal control environment. It provides independent review of Boston's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Governance, risk and control

3. To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
4. To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.
5. To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
6. To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.
7. To monitor the effective development and operation of risk management in the council.
8. To monitor progress in addressing risk-related issues reported to the committee.
9. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
10. To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
11. To monitor the counter-fraud strategy, actions and resources.
12. To review the governance and assurance arrangements for significant partnerships or collaborations.

13. To maintain an overview of the Council's contract procedure rules and financial regulations and recommend changes to Cabinet or Council
14. To review any issue referred to it by the Council, Cabinet, Scrutiny Committee, Director, Monitoring Officer or the Chief Executive.
15. To consider the Council's compliance with its own and other applicable published standards and controls.
16. To review and develop the Council's Treasury Management and Investment Strategy before recommendation to Council.
17. To monitor compliance and performance of the Council's Treasury Management and Investment Strategy on a regular basis.
18. To meet privately with the Audit Manager/External Auditor where required

Internal audit

19. To approve the internal audit charter.
20. To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
21. To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
22. To approve significant interim changes to the risk-based internal audit plan and resource requirements.
23. To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
24. To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit.
25. To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
 - a) Updates on the work of internal audit including key findings, issues of concern and actions/**recommendations** in hand as a result of internal audit work.
 - b) Regular reports on the results of the Quality Assurance and Improvement Programme.

- c) Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.
26. To consider the head of internal audit's annual report:
- a) The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions of internal audit.
 - b) The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the Annual Governance Statement.
27. To consider summaries of specific internal audit reports as requested.
28. To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
29. To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
30. To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations.
31. To provide free and unfettered access to the audit committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.
32. To support the development of effective communication with the head of internal audit.

External audit

33. To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA.
34. To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
35. To consider specific reports as agreed with the external auditor.

36. To comment on the scope and depth of external audit work and to ensure it gives value for money and to advise/liaise as required over the appointment of the Council's external auditor.
37. To commission work from internal and external audit, having taken into account the cost and proportionality of so doing and the budget for such work.
38. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies

Financial reporting

39. To review and approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
40. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Accountability arrangements

41. To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.
42. To report to full council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
43. To publish an annual report on the work of the committee.

Governance

44. To advise on appropriate strategies and action to ensure the Council promotes and maintains high standards of conduct.
45. To recommend to the Council the appointment of one or more Independent Persons and to determine the remuneration of an Independent Person.
46. To monitor the operation of the Council's Code of Conduct and to annually review the effectiveness of standards procedures and policies and make proposals for updating these as appropriate.

Consideration of Code of Conduct issues and dealing with standards allegations under the Localism Act 2011 have been delegated to the Standards Sub-Committee. Its Terms of Reference, and arrangements for dealing with such allegations, are set out in the separate documents Appendices 1 and 2.

Membership

47. The Committee shall have political balance and have a Membership of 9 Councillors and 1 Non Elected representative (non-Councillor). Members of the committee should demonstrate they hold the necessary skills and knowledge to ensure the Committee can govern effectively.
48. The Chairman and Vice-Chairman shall be appointed by the Council. The Chairman shall be a member of the Council serving on the Audit and Governance Committee but not a member of the Cabinet.
49. A Non Elected representative (non-Councillor) appointment shall coincide with the term of 4 year political appointment.

Quorum

50. The minimum number of members to transact any business of the full Committee shall be 5 and for the Hearings Panel shall be 3.

Procedures, protocol and public speaking

51. The Chairman shall be responsible for maintaining order and the effective conduct of business.
52. The committee should meet 4-6 times a year and report directly to the Council with the ability to refer specific issues to the Cabinet or Scrutiny Committee, as appropriate.
53. Public speaking will be allowed in accordance with the constitution Standing orders and Rights of the Public at Council meetings.

Voting

54. Voting shall be by a simple majority on a show of hands.
55. Any voting members may request that their votes be recorded.
56. In the event of any equality of votes, the Chairman shall have a second or casting vote.

Minutes

57. Due to the infrequency of meetings unconfirmed minutes of Audit Committee meetings will be returned to full Council by the Chairman to be received and confirmed at full Council so that any recommendations can be received in a timely manner.

Terms of Reference for a Standards Sub-Committee of the Audit and Governance Committee

(Adopted by the Council on 21st January 2019)

1. Composition

- 1.1 The sub-committee consists of five Members of Boston Borough Council drawn from the membership of the Audit and Governance Committee, two Independent Persons, and two Parish Councillors and a Parish Clerk from the parishes within the Borough area. The Independent Persons and Parish representatives will be appointed by full Council and will not have voting rights.
- 1.2 Only one Boston Borough Council Member shall be a Member of its Cabinet and the Leader of the Council shall not be that Member and that Member shall serve ex officio (non voting).

2. Role and Functions of the Sub-Committee

- To promote and maintain high standards of conduct by Members and co-opted members.
- To monitor the operation of and compliance with the Local Codes of Conduct/Protocols.
- All matters arising from or relating to the Local Codes of Conduct/Protocols.
- Advising the Audit and Governance Committee and Council on the adoption or revision of a local Code of Conduct.
- To consider and determine allegations and make arrangements under which allegations about Members' conduct can be investigated.
- To make arrangements under which decisions on allegations about Members' conduct can be made under Section 28(6) of the Localism Act 2011.
- To advise on or arrange for the training of Members and/or co-opted members of the Council on matters relating to the Code of Conduct.
- The monitoring of and issues relating to the declarations of interests and offer/receipt of gifts and hospitality by Members.
- Issues arising from breaches of confidentiality and the disclosure of exempt information by Members.

- Any matter raised by the appointed Auditor in relation to matters within the remit of the Committee.
- To receive reports on Member dispensations granted by the Monitoring Officer
- The sub-Committee will also act as the Standards Committee in relation to the Parish Councils wholly in its area and the Members of those Parish Councils.

3. Role and Functions of the Assessment Panel and Hearings Panel

An Assessment Panel has been established with the following function:-

- To receive and determine whether complaints about Councillor's conduct should be investigated or other action taken.

A Hearings Panel has been established with the following function:-

- To determine complaints referred for investigation where it is recommended by the Monitoring Officer that a breach of the Code of Conduct has been established or where the Standards Sub-Committee considers that a breach of the Code of Conduct has been disclosed.

4. Composition of the Assessment Panel and Hearing Panel

The Assessment Panel and Hearings Panel will be drawn from the membership of the Standards Sub-Committee to be selected on a meeting by meeting basis. The Assessment Panel shall comprise of three Members of the Council drawn from different political groups, where practicable. Where the complaint involves a Parish Councillor, a parish representative will serve on the Assessment Panel with two Boston Borough Council elected Members, drawn from different political groups, where practicable. The Hearings Panel shall comprise of three Members of the Council serving on the Standards Sub Committee drawn from at least two different political groups, where practicable, one Independent Person and one Parish representative.

5. Quorum

The quorum for the Standards sub-committee shall be three Members of Boston Borough Council and one Independent Member.

Arrangements for dealing with standards allegations under the Localism Act 2011

(Adopted by the Council on 21st January 2019)

1. Context

- 1.1 These “Arrangements” set out how complaints may be made that an elected or co-opted member of Boston Borough Council or of a parish council within the Borough area has failed to comply with the authority’s Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the authority’s Code of Conduct.
- 1.2 Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the authority or of a parish council within the authority’s area or of a Committee or Sub-Committee of the authority, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations.
- 1.3 Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member or a member or co-opted member of a parish council against whom an allegation has been made.

2. The Code of Conduct

- 2.1 The Council has adopted a Code of Conduct for members, which is attached as Appendix 1 to these arrangements and available for inspection on the authority’s website and on request from Reception at the Borough Council’s Offices.
- 2.2 Each parish council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council’s Code of Conduct, you should inspect any website operated by the parish council and request the parish clerk to allow you to inspect the parish council’s Code of Conduct.

3. Making a complaint

- 3.1 If you wish to make a complaint, please write or email to –

The Monitoring Officer
Municipal Buildings
West Street
Boston PE21 8QR
E-mail: feedback@boston.gov.uk

- 3.2 In order to ensure that we have all the information which we need to be able to process your complaint, please write to or e-mail the Monitoring Officer or complete and send us the model complaint form, which can be downloaded from the authority's website and is available on request from Reception at the Borough Council Offices.
- 3.3 Please provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The authority may investigate anonymous complaints, but will generally only do so where there is a clear public interest in doing so.
- 3.4 The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.
- 3.5 A complaint can only be considered if it concerns the conduct of a Member. Complaints about members of staff (including parish clerks) and decisions taken by the Council or a parish council cannot be considered.
- 3.6 For a matter to be considered by the Sub-Committee it must fall within the authority's legal jurisdiction. Therefore, if any of the following are clear from the complaint the allegation will not be put before the Assessment Panel for consideration:-
- Where it is clear from the complaint that the Member the subject of the complaint was not acting in an official capacity at the time the alleged conduct occurred.
 - Where the conduct complained of is a continuation of a situation/set of circumstances relating to the same Council, which the Assessment Panel has previously considered and determined not to take any action on.
 - Where the individual the subject of the complaint is not a Member at the time the complaint is submitted.
 - The Monitoring Officer is given delegated authority by the Council to consider the age and seriousness of the complaint in determining whether it should be submitted to the Assessment Panel.
- 3.7 On receiving the complaint the Monitoring Officer will contact the Member complained of (Subject Member) to seek their views on the circumstances surrounding the allegation.
- 3.8 The Monitoring Officer, in consultation with an Independent Person, within 20 working days shall determine if the complaint potentially constitutes a breach of the Code of Conduct taking into account legislation, professional knowledge and case law.

3.9 If the allegation is found to be a potential breach of the Code it will be referred to the Assessment Panel for consideration of whether it warrants investigation or other action.

4 Standards Sub-Committee Assessment Panel

4.1 Arrangements will be made to convene a Standards Sub-Committee Assessment Panel for consideration of the complaint within 30 working days of receiving it, or as soon as practicable to convene it.

4.2 The Assessment Panel will comprise of three Boston Borough Council elected Members of the Council's Standards Sub Committee, drawn from at least two different political groups, where practicable, and not from the Group of the subject member. Where the complaint involves a Parish Councillor, a parish representative will serve on the Assessment Panel, but not from the parish of the subject member, with two Boston Borough Council elected Members of the Council's Standards Sub Committee, drawn from different political groups, where practicable. The appointment of a Chairman of the Panel will be the first item of business at each meeting.

4.3 The Independent Person will be invited to attend all meetings of the Assessment Panel and their views will be sought and taken into consideration before the Assessment Panel takes any decision on whether a complaint should be investigated. If the Independent Person is unable to attend in person they may submit their views in writing.

4.4 The Monitoring Officer will circulate with the agenda papers for the meeting a pre-assessment report for each complaint received, which will contain a brief overview of the complaint, including further information submitted/obtained to assist the Panel with its decision (relevant minutes, register of interests etc.), relevant paragraphs of the Code of Conduct and a recommendation.

4.5 For a matter to be considered by the Panel it must fall within the Authority's legal jurisdiction. Therefore, the pre-assessment report will also confirm:-

- That the person the subject of the complaint was a Member of Boston Borough Council or a parish council within the Boston Borough Council area at the time the alleged conduct occurred.
- That a Code of Conduct was in operation at the time the alleged conduct took place.

4.6 If any of these questions are answered in the negative the complaint cannot be investigated as a breach of the Code and will not be put before the Assessment Panel for consideration.

5. Assessment Panel – Possible Decisions

- 5.1 The Panel, being satisfied that the Authority has the legal jurisdiction to consider the complaint, will then use the agreed assessment criteria to reach a decision on the action, if any to be taken.
- 5.2 The Panel must also be satisfied that the conduct complained of, if proven, could amount to a breach of the Code of Conduct. Again, if this is not the case, the complaint cannot be investigated.
- 5.3 The Assessment Panel can make the following decisions:-
- That the matter be referred to the Monitoring Officer for investigation.
 - That the matter be referred to the Monitoring Officer for ‘other action’/local resolution.
 - That no further action be taken, either because:-
 - No breach of the Code of Conduct has been evidenced, or
 - It is felt, based on the information submitted, that investigation of the complaint would not be merited.

NB: There is no right of appeal to the decision that no further action be taken on the complaint.

- 5.4 The decision of the Panel will be sent to the complainant, the subject Member and the clerk to the appropriate parish council, in the form of a decision notice, within five working days of the Panel Hearing.

6. Other Action / Local Resolution

- 6.1 The Assessment Panel may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, the Panel may request the Monitoring Officer to take other action or seek a local resolution.
- 6.2 Examples of other action/local resolution will include:-
- Advising the subject Member/Council concerned to undertake training
 - Advising the subject Member and complainant to engage in a process of conciliation
 - Advising the subject Member to accept that their conduct was unacceptable and to offer an apology
 - Instituting changes to procedures of the Council if they have given rise to the complaint.
- 6.3 If the subject Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Sub Committee and the Parish Council for information, if applicable, but will take no further action.
- 6.4 If the subject Member is not willing to comply with the suggested resolution, the complaint will be referred back to the Assessment Panel for a decision as to whether or not the complaint should be investigated.

7. Referral for investigation

- 7.1 If the Assessment Panel decides that a complaint merits formal investigation, the Monitoring Officer will investigate the complaint or appoint an Investigating Officer who will contact the parties concerned.
- 7.2 The Monitoring Officer/Investigating Officer will seek to complete the investigation within three months of the complaint being referred by the Assessment Panel.
- 7.3 At the end of his/her investigation, the Monitoring Officer/Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the complainant and to the member concerned, to give both an opportunity to identify any matter in that draft report which they disagree with or consider requires more consideration. If the investigation has been conducted externally the Investigating Officer will in the first instance send their report to the Monitoring Officer for comments, prior to wider circulation.
- 7.4 Having received and taken account of any comments which the complainant and the Member subject of the complaint may make on the draft report, the Monitoring Officer will produce a final report if investigating the complaint himself/herself or the Investigating Officer will send his/her final report to the Monitoring Officer.
- 7.5 The Monitoring Officer/Investigating Officer can make one of two findings, namely:-
- That no breach of the Code of Conduct has been found / no further action to be taken
 - That the conduct complained of potentially breaches the Code of Conduct.
- 7.6 Where it is concluded that no breach of the Code of Conduct has been found or that no further action should be taken-the matter ends.
- 7.7 Where the Investigating Officer concludes that the conduct complained of potentially breaches the Code of Conduct a Hearings Panel will be convened within three months of completion of the investigation.

8. Local Hearing

- 8.1 If the Assessment Panel considers that local resolution is not appropriate, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer's/Investigation Officer's report will be referred to the Hearings Panel which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

9. Procedure to be followed at a Local Hearing

Convening the Meeting and Access to Papers

- 9.1 The Hearing Panel shall be convened in accordance with the Council's access to Information Rules with the agenda and accompanying documents published five clear working days in advance of the meeting. Schedule 12A Local Government Act 1972 (as amended) will be applied to exclude the public and press from the meetings of the Hearings Panel and to prevent the recording of the proceedings where it is likely that confidential or exempt information will be disclosed.

Attendance

- 9.2 The Panel will comprise of five members- three Boston Borough Councillors (from at least two political groups from the membership of the Standards Sub-Committee, where practicable), one parish council representative and one Independent Person, to be selected on a meeting by meeting basis. The quorum for the meeting is three councillors. Once the meeting has begun all members must remain throughout the Hearing and during any deliberations.
- 9.3 The Subject Member will be expected to attend the Hearing. If they fail to attend and where the Panel is not satisfied with any explanation for their absence, they may have regard to any written representations submitted by the Subject Member and may resolve to proceed with the hearing in the Subject Member's absence and make a determination. If satisfied with the Subject Member's reasons for not attending, the Panel may adjourn the hearing to another date. The Panel may resolve in exceptional circumstances, that it will proceed with the hearing on the grounds that it is in the public interest to hear the allegations expeditiously.
- 9.4 The Subject Member may choose to be accompanied by a legal representative or other person (such as a friend or colleague). This person must not be directly involved in any of the allegations being considered by the Panel. The participation of the Subject Member's representative will be allowed.
- 9.5 The Monitoring Officer, Investigating Officer and other legal advisor as nominated by the Monitoring Officer may also be present, as well as a Clerk.
- 9.6 The complainant may also be present.

Conduct of the Hearing

- 9.7 Subject to paragraph 9.28, the Hearing Panel will consider the following items of business:-
- Election of Chairman;
 - Declarations of Interest;
 - In the absence of the Subject Member, consideration of whether or not to proceed with the Hearing;

- To decide on whether to exclude the public and the application of the public interest test;
- The complaint
- Advisory Notice (if applicable)

Dealing with the Complaint

Investigating Officer

- 9.8 The Investigating Officer will present their report, including any documentary evidence or other material. They may also provide witness statements. No new points shall be introduced unless agreed by the Panel and the other parties. There is a requirement for the Investigating Officer to attend the hearing and present their report. Since the report will have been circulated to the Panel and to the Subject Member in advance of the hearing, the Investigating Officer's presentation should briefly summarise the report and other material, amend errors, provide updates and clarify the written report.
- 9.9 After the Investigating Officer has presented the report and after any witnesses have given their evidence, the Subject Member or their representative may question the Investigating Officer about any matter in the Investigating Officer's report or witness statement.
- 9.10 After the Investigating Officer has presented the report and after any witnesses have given their evidence, members of the Hearings Panel may ask questions of the Investigating Officer and any witnesses whose statements have been provided by the Investigating Officer.

Subject Member

- 9.11 The Subject Member or their representative (the latter only with the agreement of the Chairman) may then present their case and call witnesses. They should provide a written summary of their case no less than five clear working days in advance of the hearing. No new points should be introduced unless agreed by the Panel and the other parties.
- 9.12 The Investigating Officer may question the Subject Member and any witnesses called by the Investigating Officer.
- 9.13 Members of the Hearings Panel may ask questions of the Subject Member and any witnesses called by the Subject Member.

Summing Up

- 9.14 The Investigating Officer will sum up the complaint
- 9.15 The Independent Person will be invited to express their views
- 9.16 The Subject Member or their representative will be given the final word.

Deliberations

- 9.17 The Panel, when deliberating on the complaint, will adjourn the Hearing to consider the matter in private. They will consider whether or not, on the facts presented to the Panel, the Subject Member has failed to comply with the Code of Conduct and they will also consider a provisional view on appropriate Advisory Notices.
- 9.18 Only the Monitoring Officer (or their nominee) and Clerk will remain with the Panel to offer legal and procedural advice if needed. If the Monitoring Officer is also the Investigating Officer their nominee will act as advisor to the Panel.
- 9.19 The Panel may reconvene at any time to seek additional information from the Investigating Officer, Subject Member or witnesses. The Panel will then adjourn to continue their deliberations.
- 9.20 The Panel will reach decisions on the findings of fact based on the balance of probabilities.

Announcing the Decision on the findings of fact on the basis of probability

- 9.21 The Panel will reconvene the hearing in public and the Chairman will announce whether or not on the facts found, the Panel considers that there has been a breach of the Code of Conduct and their provisional view on issuing of Advisory Notices.
- 9.22 If the Panel has found that there has been a breach, the Independent Person and the Subject Member will be invited to make representations about the Advisory Notice which the Panel is minded to impose.
- 9.23 If representations about the Advisory Notice are made, the Panel will then adjourn to consider the Advisory Notice. Only the Monitoring Officer (or their nominee) and the Clerk will remain with the Panel to offer legal or procedural advice if needed. When deciding whether to apply one or more Advisory Notices, the Panel will ensure that the application of any Advisory Notice is reasonable and proportionate to the Subject Member's behaviour.
- 9.24 Having taken into account the representations of the Independent Person and the Subject Member on the application of sanctions, the Panel will reconvene the hearing in public and the Chairman will announce:
- (i) the Advisory Notice (if any);
 - (ii) the recommendations (if any) to be made to the Council, Parish Council if relevant or Monitoring Officer.
- 9.25 If the Hearings Panel conclude that the member did not fail to comply with the Code of Conduct, the complaint will be dismissed.

Publication and notification of the Hearing Panel's decision and recommendations

- 9.26 Within 20 working days of the announcement of the Panel's decision the Monitoring Officer will provide a full written decision and the reasons for the decision, including any recommendations to:
- (a) the Subject Member
 - (b) the Complainant
 - (c) the Chief Executive

and will publish details of the Hearing Panel's decision, including Subject Member and a summary of the Panel's decision and recommendations and reasons for the decision and recommendations on the Council's website.

- 9.27 The Monitoring Officer will report the Hearing Panel's decision and recommendations to the next meeting of the Standards Sub-Committee for information.

Variations to the Procedures at the Hearing Panel

- 9.28 The Chairman may exercise his/her discretion and amend the order of business, where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

10. Action the Hearings Panel may take where a member has failed to comply with the Code of Conduct

- 10.1 The Council has delegated to the Hearings Panel such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may –
- Publish its findings in respect of the member's conduct;
 - Report its findings to Council or to the Parish Council for information;
 - Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council with the exception of those they sit on by right i.e. full Council and Boston Town Area Committee;
 - Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - Instruct the Monitoring Officer, or recommend that the Parish Council, advises the member to seek and attend training;
 - Remove, or recommend to the Parish Council that it removes, the member from all outside appointments to which he/she has been appointed or nominated by the authority or by the Parish Council;

- Withdraw, or recommend to the Parish Council that it withdraws, facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- Exclude, or recommend that the Parish Council exclude, the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

10.2 The Hearings Panel has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

11. The Independent Person(s)

11.1 The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is the appointed by a positive vote from a majority of all the members of Council.

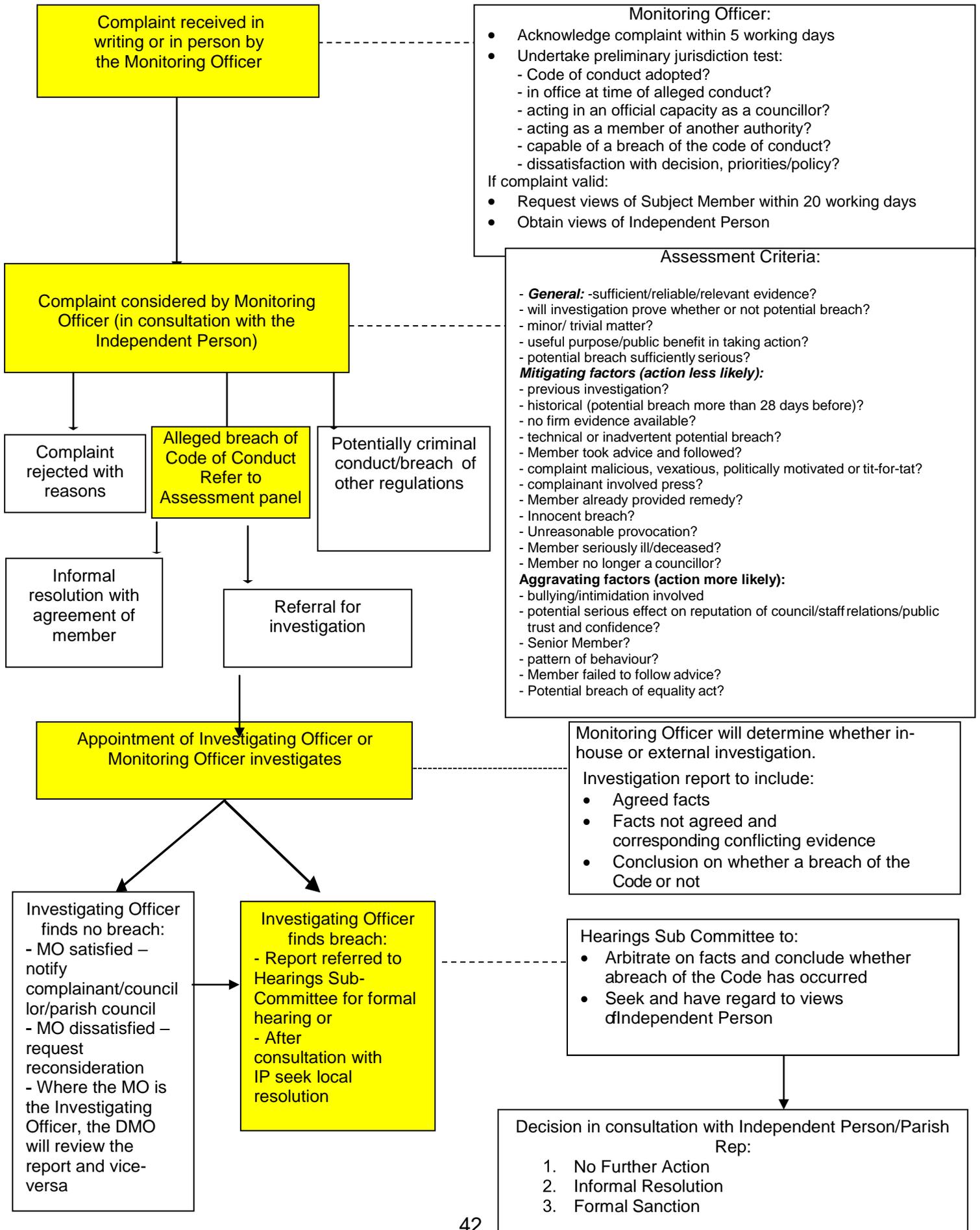
11.2 A person cannot be "independent" if he/she –

- (a) Is, or has been within the past 5 years, a member, co-opted member or officer of the authority;
- (b) Is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the authority's area, or
- (c) Is a relative or close friend, of a person within paragraph 11.2(a) or 11.2 (b) above. For this purpose, "relative" means –
 - (i) Spouse or civil partner;
 - (ii) Living with the other person as husband and wife or as if they were civil partners;
 - (iii) Grandparent of the other person;
 - (iv) A lineal descendent of a grandparent of the other person;
 - (v) A parent, sibling or child of a person within paragraphs (i) and (ii) above;
 - (vi) A spouse or civil partner of a person within paragraphs (iii), (iv), and (v) above; or
 - (vii) Living with a person within paragraphs (iii), (v) and (v) above as husband and wife or as if they were civil partners.

12. Appeals

12.1 There is no right of appeal for the complainant or for the member against a decision of the Assessment Panel or of the Hearings Panel

CODE OF CONDUCT COMPLAINTS FLOWCHART



7. Advisory Committees, Panels and Working Groups

7.1 Independent Remuneration Panel (Non-elected Members)

Terms of Reference

- To consider and make recommendations to the Council concerning the Members' Allowance Scheme and the level of payment and to carry out reviews from time to time as necessary. Also, to consider and make recommendations on requests for allowances made by Parish Councils.

7.2 International Links Committee (4 Members)

Terms of Reference

- To deal with all matters relating to the Council's formally recognised international relationships, including allocation of funding

7.3 Chief Officers Employment Panel (6 Members)

Terms of Reference

The Chief Officer Employment Panel discharges, on behalf of the authority, the function of the appointment or dismissal of the officer designated as the head of the authority's paid service, however the authority must **approve** that appointment before an offer of appointment is made or, must **approve** that dismissal before notice of dismissal is given at a meeting of the Full Council.

The Chief Officer Employment Panel also discharges on behalf of the authority, the function of the appointment or dismissal of (subject to provisions for the Statutory Officers Employment Advisory Panel responsibility):

- a statutory chief officer (Monitoring Officer & Section 151 Officer)
- a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
- a deputy chief officer within the meaning of section 2(8) of the 1989 Act; or
- a person appointed in pursuance of section 9 of the 1989 Act(8) (assistants for political groups).

At least one member of the Cabinet must be must be a member of the Chief Officer Employment Panel.

An offer of an appointment as an officer referred to above may not be made by the appointer until the appointer is satisfied that there are no well founded objections received from members of the Cabinet once they have been informed about the proposal to appoint.

NOTES:

Where a meeting of the Panel is convened it should not include any Member or officer with a direct personal involvement in the issue at hand nor who has participated in the investigation. Members of the Panel must be impartial and have no connection with any complaint or investigation.

The Panel will have a quorum of five Members to ensure that withdrawal from the committee due to declarations of interest leave the committee available to convene. Named substitutes are allowed to take a place on the Panel as appropriate.

Where a disciplinary matter is to be heard by the Panel, 3 members of the panel and/or their named substitutes will withdraw from the process and form and appeals panel if this is required. By withdrawing from the process before proceedings have commenced they will not be involved in any decision making and will be able to hear an appeal impartially should the need arise.

All members of the Panel and any named substitutes will be required to undergo training prior to taking part in the Panel.

7.4 Statutory Officers Employment Advisory Panel

Terms of Reference – To receive referral from the Chief Officer Employment Panel on matters that may amount to dismissal of a Statutory Officer and report any findings and recommendations to Full Council.

- The Panel must comprise of at least 3 Independent Members appointed in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, in addition to 4 Elected Members selected on a political proportionality basis.

8. Boston Town Area Committee (BTAC) (All Members representing town wards)

Terms of Reference

To exercise and perform the powers and duties of the Council in relation to the following functions in respect of the non-parished Boston Town area of the Borough:

- In accordance with any agreed arrangements, to comment on applications for planning permission, conservation area consent and advertisement consent and other related matters but maintaining at all times an objective that all planning applications remain able to be determined in full by the Planning Authority within the government required target periods of 8 weeks or 13 weeks from the date of receipt.
- To provide and maintain urban open spaces, play areas, allotments and seats.
- To provide and maintain other facilities and services which are mainly intended for the use and benefit of residents for the non-parished Boston Town area.
- To monitor and review the performance of services under the purview of the Committee.
- To recommend a precept to cover items of expenditure incurred under the Special Area Expense Account.
- To act as a consultee on major initiatives, projects and developments affecting the town area.
- To make community development grants to town-based organisations and events.

BTAC may not make a decision that significantly affects a part of the Borough area in respect of which the Committee does not have functions or all of the Borough's area. Specifically, the Committee does not have delegated powers to take decisions on outsourcing of services. It must operate within the allocated budget for the town area (that is to say the Town Special Area Expense Account).

BTAC is authorised to appoint sub-committees or working groups, drawn from its own membership, to assist with any of its functions.

The Membership

The Committee comprises all elected Members representing the town wards of Boston.

NOTES:

By convention it is accepted that the Boston Town Area Committee operates as if it were a Parish with the power to set a precept and an understanding that, in practice, other committees cannot spend Boston Town Area resources or block expenditure approved by the Boston Town Area Committee.

A copy of the BTAC constitution is attached as an Appendix.

CONSTITUTION OF THE BOSTON TOWN AREA COMMITTEE

1. Name of the Committee

The Committee shall be called the “Boston Town Area Committee” (referred to in the document as “BTAC”).)

2. Membership

The Committee comprises all elected Members representing the town wards of Boston.

3. Election of Chairman and Vice-Chairman

BTAC shall, at its first meeting of the Municipal Year, elect a Chairman and Vice-Chairman and shall be responsible for filling any vacancy.

4. Role

- a) To exercise and perform the powers and duties of the Council in respect of the non-parished Boston town area of the Borough for those services and functions delegated to it.
- b) To take responsibility for the town’s Special Area Expense Account (SAEA)
- c) To reflect and represent the views of town wards and residents.

5. Meetings

- a) Ordinary meetings of the Committee shall be held on such dates as the Council shall at its annual meeting decide.
- b) The Committee may decide to hold such special meetings as it considers necessary.
- c) The Chairman or, in his absence, the Vice-Chairman may call a special meeting of the Committee at any time following consultation with the Chief Executive.

6. Quorum

The quorum for BTAC shall be six Members.

7. Functions and Powers

- 7.1 To exercise and perform the powers and duties of the Council in relation to the following functions in respect of the non-parished Boston Town area of the Borough:
- a) In accordance with any agreed arrangements, to comment on applications for planning permission, conservation area consent and advertisement consent and other related matters but maintaining at all times an objective that all planning applications remain able to be determined in full by the Planning Authority within the government required target periods of 8 weeks or 13 weeks from the date of receipt.
 - b) To provide and maintain urban open spaces, play areas, allotments and seats.
 - c) To provide and maintain other facilities and services which are mainly intended for the use and benefit of residents for the non-parished Boston Town area.
 - d) To monitor and review the performance of services under the purview of the Committee.
 - e) To recommend a precept to cover items of expenditure incurred under the Special Area Expense Account.
 - f) To act as a consultee on major initiatives, projects and developments affecting the town area.
 - g) To make community development grants to town-based organisations and events.
- 7.2 BTAC may not make a decision that significantly affects a part of the Borough and in respect of which the Committee does not have functions or all of the Borough's area. Specifically, the Committee does not have delegated powers to take decisions on outsourcing of services. It must operate within the allocated budget for the town area (that is to say the Town Special Area Expense Account).
- 7.3 BTAC is authorised to appoint sub-committees or working groups, drawn from its own membership, to assist with any of its functions.

8 Procedure at Meetings

- 8.1 Procedure at meetings of BTAC will be governed by the Council Procedure Rules which apply to committees, as supplemented or amended by these rules.
- 8.2 The rules on public speaking rights at BTAC meetings are as follows:
- a. Public speaking is allowed at the discretion of the Chairman;
 - b. Members of the public may place items on the agenda for meetings of BTAC on at least ten days notice being given to the Council.
 - c. A 10 minute public speaking slot is provided for at the beginning of meetings of BTAC, which may be extended by the Committee or at the discretion of the Chairman.

- 8.3 BTAC may invite individuals or representatives from other agencies and groups to participate in the proceedings of the Committee as and when appropriate, other than by way of co-option as voting members.
- 8.4 Any member of BTAC shall be entitled to give notice to the Chief Executive that he/she wants an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.

9 Access to Information

BTAC will comply with the Access to Information Rules contained in Part 4 of the Council's Constitution.

Approved by Council on 9 May 2005 and amended by Council on 24 April 2006

9. THE SOUTH EAST LINCOLNSHIRE JOINT STRATEGIC PLANNING COMMITTEE

STANDING ORDERS FOR THE CONDUCT OF MEETINGS AND PROCEEDINGS

These set out the rules for the conduct of meetings and proceedings for the South East Lincolnshire Joint Strategic Planning Committee to be read in conjunction with the statutory provisions set out in the East Lincolnshire Joint Strategic Planning Committee Order 2011 No. 1455, the Schedule to that Order and the Memorandum of Intent.

Key: *Italics* = provisions prescribed in the Schedule to the Order
Plain text = additional suggested text for Committee consideration/approval

1. Meetings

1.1 *The joint committee shall in every year hold an annual meeting.*

1.2 *The first meeting held after 31st May in any year shall be the annual meeting.*

1.3 *The joint committee may in every year hold, in addition to the annual meeting, such other meetings as it may determine.*

1.4 All meetings shall be called by notice specifying the business to be considered by post and/or electronic means.

2. Extraordinary Meetings

2.1 Three voting members or the South East Lincolnshire Joint Policy Unit Manager, following mutual consultation, may call meetings in addition to Ordinary meetings.

2.2 No business other than that specified in the notice of the meeting may be considered at an Extraordinary meeting. The notice must not include the consideration of the minutes of the previous meeting.

3. Notice of meeting

3.1 The agenda, reports and other relevant papers shall normally be open to inspection by the public for at least ten clear working days before the meeting except on the grounds of urgency where this has been authorised by the Chairman.

4. Agenda Items

4.1 The Committee at any properly constituted meeting shall discuss any matter within the remit of the South East Lincolnshire Joint Strategic Planning Committee.

4.2 Members of the Joint Committee may request inclusion of an agenda item. Requests for inclusion of items on the agenda must be submitted to the Chairman

with a copy to the South East Lincolnshire Joint Policy Unit Manager and to the Committee Secretariat, at least fifteen working days before the date of the meeting at which the item is to be considered.

- 4.3 The agenda papers shall be circulated at least ten working days before a meeting. The consideration of late papers or papers tabled at the meeting is at the discretion of the Chairman, on the grounds of urgency.

5. Urgent Items

- 5.1 Items of urgent business may be carried on at any meeting of the Joint Committee even if that item has not been included in the meeting notice, provided that in the opinion of the Chairman of the meeting, the item requires urgent consideration (and had arisen so recently that it was not reasonably practicable to specify it in the meeting notice) and a decision cannot wait until the next meeting.

6. Written Questions on Notice

- 6.1 Any member of the Joint Committee shall be entitled to ask a question about a relevant matter within the remit of the South East Lincolnshire Joint Strategic Planning Committee provided that five clear working days' notice has been given in writing to the Chairman and a copy given to the South East Lincolnshire Joint Policy Unit Manager and the Committee Secretariat.

7. Appointment of Chair and Vice-Chair

- 7.1 Subject to sub-paragraphs (3) and (4), the joint committee shall at their annual meeting appoint a chair and a vice-chair from among the voting members of the joint committee.
- 7.2 The chair and vice-chair shall, unless they resign their office or cease to be members of the joint committee, continue in office until their successors become entitled to act.
- 7.3 The chair and vice-chair shall not be members of the same constituent authority.
- 7.4 A member of a constituent authority may not be appointed as chair if any other member of that authority has held that office (otherwise than to fill a casual vacancy) in the previous 12 months.

8. Casual vacancies of Chair and Vice-Chair

- 8.1 This paragraph applies if a casual vacancy occurs in the office of chair or vice-chair of the joint committee.
- 8.2 The vacancy shall be filled by the appointment by the joint committee of one of its voting members at the next meeting.
- 8.3 The person so appointed shall hold office until the next annual meeting.

8.4 The person so appointed shall, so far as practicable, be a member of the same constituent authority as the person in whose place that person is appointed.

9. Ruling of the Chairman

9.1 The decision of the Chairman on all points of order, relevance of issues and interpretation of the Standing Orders shall be final, where such questions arise during the course of the meeting.

10. Conduct of meetings

10.1 At a meeting of the joint committee the chair if present shall preside.

10.2 If the chair is absent from a meeting of the joint committee the vice-chair shall preside.

10.3 If both the chair and vice-chair are absent, another voting member of the joint committee, chosen by the voting members of the joint committee present at the meeting, shall preside.

10.4 In the case of an equality of votes, the chair shall give a casting vote in addition to any other vote that person may have.

11. Code of Conduct

11.1 All members of the Joint Committee must abide by their relevant authority's Code of Conduct.

12. Bias and Pre-Determination

12.1 Relevant provisions relating to Bias and Pre-determination apply.

13. Calling of meetings

13.1 The chair of the joint committee may call a meeting of the joint committee at any time.

13.2 If—

13.2.1 the chair refuses to call a meeting of the joint committee after being presented with a requisition for that purpose signed by three voting members of the joint committee; or

13.2.2 without so refusing, the chair does not call a meeting within seven days after being presented with such a requisition,

any three members of the joint committee, may, on that refusal or the expiration of those seven days (as the case may be), call a meeting of the joint committee.

- 13.3 At least ten clear days before a meeting of the joint committee—
- 13.3.1 notice of the time and place of the intended meeting shall be publicised at the offices of each constituent authority; and where the meeting is called by members of the joint committee, the notice shall be signed by those members and shall specify the business proposed to be transacted at that meeting; and
- 13.3.2 subject to paragraph (4), a summons to attend the meeting, specifying the agenda for that meeting, and, unless sub-paragraph (3.1) applies, signed by the chair, shall be left at or sent by post to the usual place of residence of every member of the joint committee; and a copy of the summons shall be given or sent to the proper officer of every constituent authority.
- 13.4 Lack of service of the summons in accordance with sub-paragraph (3.2) shall not affect the validity of a meeting.
- 13.5 A voting member who is unable to attend any meeting of the joint committee shall inform the chair **and the Committee Secretariat** of the joint committee in writing as soon as practicable and in any event not later than 24 hours before the meeting is due to take place.
- 13.6 Where the chair receives notification in accordance with sub-paragraph (5)—
- 13.6.1 the voting member giving the notification shall be deemed not to be a member of the joint committee for the whole of the meeting to which the notification relates;
- 13.6.2 the voting member's substitute may attend the meeting; and
- 13.6.3 the voting member's substitute shall be deemed to be a voting member of the joint committee for the whole of that meeting.
- 13.7 Where the office of chair is vacant, paragraphs (13.1) to (13.6) shall apply as if references to the chair of the joint committee were references to the vice-chair of the joint committee.

14. Proceedings of meetings

- 14.1 No business shall be transacted at a meeting of the joint committee unless at least five voting members are present.
- 14.2 All questions coming before or arising at a meeting of the joint committee shall be decided by a majority of the voting members of the joint committee present and voting at that meeting.
- 14.3 The minutes of the proceedings of each meeting of the joint committee shall be drawn up and shall be signed at the next ensuing meeting of the joint committee by the person presiding at that next meeting.

- 14.4 The names of the voting and co-opted members and of any substitute present at each meeting of the joint committee shall be recorded in the minutes of the proceedings of that meeting.

15. Public Participation

- 15.1 Members of the public may address the Joint Committee, ask questions of members of the Joint Committee or present petitions to the Joint Committee on any agenda item at ordinary meetings subject to the restrictions set out below. The Committee Secretariat shall notify the Chairman of any questions, petitions or requests to speak as soon as it is practicable. Petitions and questions must be directly relevant to some matter in relation to the powers and duties of the South East Lincolnshire Joint Strategic Planning Committee. The Chairman in consultation with the South East Lincolnshire Joint Policy Unit Manager may refuse a petition or question to the meeting if it is considered to be offensive, defamatory, frivolous or vexatious.
- 15.2 Once a detailed scheme of participation has been prepared and agreed by the Joint Committee details of how the public can be involved will be set out in a separate public participation guide. In the meantime, the following procedures shall apply:

16. Procedures for Speaking at a Joint Committee meeting

- 16.1 Members of the public may speak on any item on the agenda for up to three minutes. The speaker shall notify the Committee Secretariat by 12 noon, at least five working days in advance of the meeting. The scheme allows professional advisors to speak on behalf of members of the public and details of the public speaking scheme will be set out in a separate guidance note. No more than five speakers can speak on any one agenda item. The requests to speak shall be dealt with in the order of receipt by the Committee Secretariat.

17. Procedures for asking Questions at a Joint Committee meeting

- 17.1 A member of the public may also put questions to the Joint Committee. Fifteen working days notice of the question in writing should be given to the Committee Secretariat, addressed to the Chairman of the meeting. Questions must be directly related to matters within the remit of the Joint Committee. The presentation of the question to the Joint Committee shall not go beyond three minutes. This period can be extended with the permission of the Chairman in consultation with the Committee. The answer may take a verbal form but wherever possible a written answer to the question will normally be provided at the meeting. No supplementary question may be asked unless it is to seek clarification of the answer given to a question. Where an answer to a supplementary question is not available a written response will be sent to the questioner within seven working days of the meeting.
- 17.2 No more than five questions can be submitted to any one meeting limited to one question per person/body.

18. Procedure for presenting petitions at a Joint Committee meeting

- 18.1 Any local government elector for the South East Lincolnshire area shall be entitled to present a petition to an ordinary meeting of the Joint Committee. For a petition to be valid it must contain a minimum of 25 signatures of local government electors, include names and addresses of those who have signed it. Petitions must be submitted in writing or email to the Committee Secretariat at least fifteen clear working days before the meeting to which the petition is to be presented. A representative of the petitioners, being a local government elector for the South East Lincolnshire area, may speak at the meeting in support of the petition for up to three minutes.
- 18.2 Petitions will be forwarded to the relevant officer for action and direct liaison with the petitioner. No more than five petitions shall be presented/submitted to any one meeting limited to one petition per person/body. Those submitted shall be dealt with in the order of receipt by the Committee Secretariat. The Chairman, in consultation with the South East Lincolnshire Joint Policy Unit Manager can permit the maximum of five to be exceeded by a defined number at a particular meeting.

19. Voting

- 19.1 All matters coming before the Joint Committee shall be decided by a majority of the Members present and voting thereon at the meeting. All items put to the vote shall be decided by a show of hands.
- 19.2 In the case of equality of votes, the Chairman of the Joint Committee shall have a casting vote in addition to any other vote that person may have and whether or not he/she has voted before on the same motion. If the Chairman chooses not to cast a second or casting vote, then, the motion under consideration shall fall.

20. Right to Require Individual Vote to be Recorded

- 20.1 Immediately after the vote is taken at a meeting, any member may request that their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting. The minutes shall not record the reason behind a members vote.

21. Record of Attendance

- 21.1 The name of every voting member, substitute member and co-opted member present at each meeting or other assembly of members shall be recorded in the minutes of the proceedings of that meeting.

22. Admission to meetings

- 22.1 The following provisions of the 1972 Act shall apply with respect to meetings of the joint committee as if references to a principal council were references to the joint committee—

- 22.1.1 section 100A (admission to meetings of principal councils), with the exception of subsections (6), (7) and (8);
- 22.1.2 section 100(l) (exempt information); and
- 22.1.3 paragraphs 1 to 11 of Schedule 12A (access to information: exempt information).
- 22.1.4 Where the public have been excluded from the whole or part of a meeting of the joint committee in accordance with any provision referred to in sub-paragraph (1), the joint committee may exclude co-opted members and observers from that meeting or (a the case may be) the relevant part of that meeting.

23. Access to Information

- 23.1 The Access to Information rules apply to this Committee. All Board meetings shall be held in public, except for those items that need to be confidential or contain exempt information by virtue of Schedule 12A, Local Government Act 1972 (as amended). Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.
- 23.2 Copies of the agenda and reports will be available for public inspection at the designated office of each partner authority at least 10 clear working days before the meeting. Reports that are prepared after the summons has been sent out shall be available to the public as soon as the report is completed and sent to Councillors.

24. Quorum

- 24.1 There must be five voting members present for a meeting to be quorate. If the number of members present either at the commencement of the meeting or at any time during the proceedings is less than the quorum, then the meeting shall stand adjourned. The consideration of any business not transacted at the time of the adjournment shall be carried forward to the next ordinary meeting of the Joint Committee or to a time to be fixed by the Chairman or the Committee.
- 24.2 Members including substitute members are asked to make every effort to attend these meetings and, if unable to do so, to notify the Committee Secretariat as early as possible.

25. Motions on Notice

- 25.1 Any member of the Joint Committee shall be able to submit a motion that is clearly relevant to an item on the agenda or within the powers or remit of the South East Lincolnshire Joint Strategic Planning Committee provided that 11 clear working days notice has been given in writing to the South East Lincolnshire Joint Policy Unit Manager and a copy given to the Committee Secretariat.

26. Moving of Motions

- 26.1 Every motion and amendment must be moved by the member who gave notice or by another member on their behalf and no other member shall speak to it until it has been seconded.
- 26.2 A member may second a motion or an amendment reserving his/her speech for a later time in the debate thereon.

27. Motions to Lapse

- 27.1 If a motion, notice of which is specified in the agenda, be not moved either by the member who gave the notice or by some other member on their behalf, it shall (unless postponed by the Joint Committee), be considered as withdrawn and cannot be moved again without a fresh motion.

28. Motion to be set out in Agenda

- 28.1 The South East Lincolnshire Joint Policy Unit Manager in conjunction with the Committee Secretariat shall set out in the agenda for every meeting of the Joint Committee all motions of which notice has been duly given in the order in which they have been received unless the member giving such notice indicates in writing, when giving it, that they propose to move it at some later meeting or has since withdrawn it in writing.
- 28.2 The South East Lincolnshire Joint Policy Unit Manager after discussion with the Chairman has the discretion not to publish any motions on agendas if they consider them to be scurrilous, improper or irrelevant.

29. Amendments to Motions

- 29.1 Whenever an amendment on an original motion has been moved and seconded, no second or subsequent amendment can be moved until the first amendment has been dealt with, but notice of any number of amendments on the same matter as the original motion may be given.

30. Motion of No Confidence

- 30.1 Where a motion of no confidence has been made in either the Joint Committee or an individual member, a period of five minutes shall be afforded to a representative of that body to respond to that motion.

31. Adjournment of Business

- 31.1 The Chairman may, with the consent of the Joint Committee, adjourn a meeting for such period as the Chairman may specify and on the expiration of the period specified, the Joint Committee shall resume the business which was under discussion. Any such request for adjournment can only be refused by the Chairman on the grounds of unreasonable or vexatious behaviour.

32. Removal of a Member of the Public

- 32.1 If a member of the public interrupts the proceedings, the Chairman shall warn the person concerned. If they continue to interrupt, the Chairman (after taking advice from the South East Lincolnshire Joint Policy Unit Manager or relevant officers present) shall order their removal from the meeting room.

33. Clearance of Part of Meeting Room

- 33.1 If there is a general disturbance in any part of the meeting room open to the public, the Chairman (after taking advice from the South East Lincolnshire Joint Policy Unit Manager or relevant officers present) may adjourn the meeting for as long as considered necessary and call for that part to be cleared.

34. Scheme of Delegation

- 34.1 The Joint Committee may delegate as deemed appropriate responsibilities within the remit of the South East Lincolnshire Joint Strategic Planning Committee to the South East Lincolnshire Joint Policy Unit Manager.

35. Standing Orders

- 35.1 Subject to the provisions of this Order the joint committee may make standing orders for the regulation of their proceedings and may vary or revoke any such orders.

36. Amendment of Standing Orders

- 36.1 Following discussion, a proposal to add, vary or revoke Standing Orders may be passed by a majority of the members present and voting.

37. Suspension of Standing Orders

- 37.1 Any one or more of the Standing Orders may, in case of urgency, or upon a motion made on a notice duly given, be suspended for the whole or part of any meeting, provided that a majority of the members present and voting shall so decide.

- 37.2 The following Standing Orders may be suspended:

- Agenda items;
- Written Questions on Notice;
- Public Participation;
- Procedures for speaking at a Joint Committee meeting;
- Procedures for asking questions at a Joint Committee meeting;
- Procedure for presenting petitions at a Joint Committee meeting;
- Right to require individual vote to be recorded.

SOUTH EAST LINCOLNSHIRE JOINT STRATEGIC PLANNING COMMITTEE

TERMS OF REFERENCE

Quorum: 5 **Meets:** 4 times per year Has executive powers

Composition:

- 9 members as appointed by each partner authority: 3 from Lincolnshire County Council; 3 from South Holland District Council and from 3 Boston Borough Council.
- Appointments shall be made in accordance with the Local Government (Committees and Political Groups) Regulations 1989.

Substitutions:

- Each Council shall have appointed three named substitute members to act as a substitute member with full voting rights for individual meetings only.
- Substitution members allowed to attend all meetings of the South East Lincolnshire Joint Strategic Planning Committee to contribute but not vote.

Terms of Reference:

- The preparation, submission, adoption, monitoring and revision of joint local development documents identified in a joint local development scheme; and
- the preparation, submission, adoption, monitoring and revision of a joint local development scheme, in respect of those documents.

Place of Meeting:

Meetings of the South East Lincolnshire Joint Strategic Planning Committee will be held at the offices of South Holland District Council and Boston Borough Council by rotation.

Training:

Members of the Joint Committee shall undertake appropriate training as determined

Chairing of the South East Lincolnshire Joint Strategic Planning Committee:

A Chairman and Vice-Chairman will be appointed from the membership. The Chairman and Vice-Chairman shall not be from the same authority.

Servicing the South East Lincolnshire Joint Strategic Planning Committee:

The South East Lincolnshire Joint Strategic Planning Committee will be served by officers of the Joint Policy Unit with administrative support provided by the accountable authority, South Holland District Council, following establishment of the Joint Committee. The responsibility for the accountable authority will be reviewed one year after commencement.

Legislation:

The South East Lincolnshire Joint Strategic Planning Committee has been established in accordance with Section 29 of the Planning and Compulsory Purchase Act 2004, as amended.