

Part 3

Section 2

Regulatory and Other Committees

1. Introduction

- 1.1 The Regulatory Functions consist of:
 - (a) Functions which the Executive may not in law exercise; and
 - (b) 'Local Choice' Functions where the Council has decided that they shall not be exercised by the Executive.
- 1.2 The Council has delegated to every Committee full powers to act in all matters covered by the Committee's Terms of Reference subject to:
 - (a) the provisions of any financial or procedural rules for the time being in force as set out in this Constitution, except where such a rule has been specifically waived by resolution of the Council;
 - (b) prior Council approval to recommendations for the allocation of duties or powers;
 - (c) the right of Council to call for a report on any Committee decision;
 - (d) the right of Council to exercise the powers which have been delegated, when necessary.
- 1.3 Each Committee may appoint, and delegate any of its powers to Sub Committees and officers and may also authorise an officer, after consultation with the Chairman of the Committee, to take other decisions on specific urgent matters falling within its own Terms of Reference.
- 1.4 Each Committee may, from time to time, amend or vary the delegation of its powers to Sub Committees and officers.
- 1.5 Every Committee shall have the power to undertake its Functions for other local authorities.
- 1.6 Any Sub Committee established by a Committee must refer back to the Committee for decision any matters which the Committee reserves to itself.

Where any delegation under this part of the Constitution refers to specific legislation or regulations, it includes a reference to that legislation or those regulations as re-enacted, consolidated, modified or amended.

2. **Planning and Development Committee**

2.1 **Terms of Reference**

The Planning and Development Committee has full delegated authority to exercise the Council's powers to:

- (a) make any decision about any application for planning permission and for approval of reserved matters and allowing development to go ahead without complying with a planning condition;
- (b) make any decision in connection with permitted development rights under a development order;
- (c) enter into planning obligation agreements ("s106 agreements");
- (d) make any decision about any application for a certificate about whether or not planning permission is needed for anything (whether or not any development is said to have happened);
- (e) serve completion notices;
- (f) decide applications for the grant of consent for the display of advertisements;
- (g) authorise people to enter land for planning reasons;
- (h) require the discontinuance of a use of land;
- (i) take enforcement action including:
 - planning contravention notices
 - any kind of enforcement notice
 - injunctions
 - untidy site notices
 - repairs notices
 - listed building compulsory purchase orders
- (j) make any decision about an application for listed building, conservation area or hazardous substances consent;

- (k) building preservation notices;
- (l) protect listed buildings by undertaking work;
- (m) determine any question as to whether or not an application is required;
- (n) decide what information is required before planning permission can be granted (to include the power to decide whether or not an environmental impact assessment is needed);
- (o) tree preservation orders;
- (p) protect hedgerows;
- (q) determine whether to take any action (or require or prohibit any action) with respect to any tree or trees;
- (r) require information as to interests in land or activities carried out on land;
- (s) respond to any consultation about planning matters (whether on specific applications or about policies) and to represent the Council on outside bodies relating to planning;
- (t) take any action which would have the effect of removing a general or specific permission to carry out any development or to display an advertisement;
- (u) decide questions about which streets should be consent or licence streets for the purposes of controlling street trading and the number and location of pitches for each such street.

2.2 The Committee's powers with respect to the matters set out in 2.1 include, where legally possible:

- a power to attach conditions to any approval or consent;
- a power to set general conditions and regulations with respect to all licences or consents of a certain kind;
- the power to revoke certificates or consents;
- the power to set the level of any charge which the Council has power to make in connection with any of the Planning and Development Committee's Functions;

- issue any approval or consent that any person may require in order to comply with the terms of any permission or consent.

3. Licensing and Regulatory Committee

3.1 Terms of Reference

- (a) The Licensing and Regulatory Committee is the Committee established as the Council's Licensing Committee under the Licensing Act 2003 and the Gambling Act 2005 and has all the Functions conferred on the Licensing Committee by law.
- (b) The Committee has also been given authority to deal with other Functions which are set out below. On these Functions it has full delegated authority to act.
- (c) On the Functions conferred on the Committee, the Committee's power to issue licences, certificates or consents and make registrations includes (where legally possible and where not a Function of the Executive):
 - (i) a power to attach conditions to any licence, certificate or consent;
 - (ii) a power to refuse to grant any licence certificate or consent;
 - (iii) a power to set general conditions and regulations with respect to all licences of a certain kind;
 - (iv) the power to revoke or suspend licences, certificates or consent;
 - (v) any Function for which the Council may issue any approval or consent that may be needed under the terms of any licence.
- (d) The Committee may authorise a prosecution for any offence.
- (e) The Committee will decide its own procedures for dealing with applications and disciplinary hearings and has the power to set enforcement policies relating to its Functions.
- (f) The Functions of the Committee are matters relating to the following:

- (1) licences authorising the use of land as a caravan site;
- (2) licences relating to the use of moveable dwellings and camping sites;
- (3) licences in connection with the hackney carriage and private hire vehicle trades;
- (4) licences for sex shops, sex cinemas and sexual entertainment venues;
- (5) licences for performances of hypnotism;
- (6) licences for acupuncture, tattooing, ear-piercing and electrolysis;
- (7) licences for pleasure boats and pleasure vessels;
- (8) licences and consents for market and street trading;
- (9) registration and licensing of premises for the preparation of food;
- (10) registration of scrap metal dealers;
- (11) licensing of premises for the breeding of dogs;
- (12) licences for pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business;
- (13) licensing of zoos;
- (14) licensing of dangerous wild animals;
- (15) licensing of knackers' yards;
- (16) licensing of people to collect for charitable and other causes;
- (17) consents for the operation of loudspeakers;
- (18) the granting of street works licences;
- (19) permitting the deposit of builder's skip on highway;

- (20) licensing planting, retention and maintenance of trees etc. in part of highway;
- (21) authorisation of the erection of stiles etc on footpaths or bridleways;
- (22) licensing of works in relation to buildings etc. which obstruct the highway;
- (23) consents to temporary deposits or excavations in streets;
- (24) power to dispense with obligation to erect hoarding or fence in or adjoining streets;
- (25) power to restrict the placing of rails, beams etc over highways;
- (26) consents to construction of vaults, arches and cellars under streets or carriageways;
- (27) consents to the making of openings in footways for access to cellar or vault under street;
- (28) sanctioning use of parts of buildings for storage of celluloid;
- (29) approvals, registration and licensing under all food safety legislation;
- (30) the Council's enforcement powers under health and safety legislation including functions under any "relevant statutory provision" within the meaning of Part I of the Health and Safety at Work Act etc;
- (31) powers to create, remove or alter footpaths and bridleways, create or divert footpaths and bridleways;
- (32) the duty to keep a register of information with respect to maps, statements and declarations;
- (33) power to stop up footpaths and bridleways;
- (34) power to assert and protect public rights of way;
- (35) power to authorise works affecting footpath and bridleways;
- (36) power to remove obstructions;

- (37) power to close take away food shops;
- (38) power to require information as to interests in land;
- (39) power to grant permission for provision, etc of services, amenities, recreation and refreshment facilities on highway and related powers;
- (40) power to issue licences and permits etc under the Gambling Act 2005;
- (41) licences for motor vehicle salvage operators.

4. Employment Advisory Panel (to meet on demand) has the following functions:

- (a) To recommend the appointment of the following designated officers:

Head of the Paid Service
 Section 151 Chief Finance Officer
 Monitoring Officer
 Chief Operating Officer
 Heads of Service
 Employees who are Chief Officers in accordance with section 2 of Local Government and Housing Act 1989

And such other posts as may be determined from time to time by the Head of the Paid Service in consultation with the Group Leaders.

- (b) To comply with the requirements set out in Part 4 of the Constitution (Officer Employment Procedure Rules).
- (c) To advise and recommend reviews and amendments to salary and grading structures for chief officer posts in line with the agreed remuneration policy.
- (d) To consider and recommend a determination of any appeal by the Head of Paid Service, Section 151 Officer or Monitoring Officer against dismissal.
- (e) To consider and recommend a determination of any allegation of issue of misconduct, incapability or breakdown in trust against the Head of Paid Service, Section 151 Officer or Monitoring Officer.

5. Audit and Governance Committee

5.1 Introduction

- 5.1.1 The Chairman of the Committee is to be independent of Executive and Scrutiny functions.
- 5.1.2 An independent member is to be co-opted to the Committee to provide a necessary degree of independence.

5.2 Statement of Purpose

- 5.2.1 The purpose of the Audit and Governance Committee is to provide independent assurance to the Council that its overall governance arrangements are working effectively. This Committee will also be responsible for Code of Conduct and Corporate Governance matters.
- 5.2.2 The Audit and Governance Committee is to review the arrangements that exist to:
- Safeguard the Council's money and assets and to provide proper value for money
 - Manage the Council's exposure to risk having regard to its control environment including potential exposure to fraud and corruption
 - Ensure the adequacy of the Council's financial reporting processes
 - Consider any reports on matters falling within its terms of reference

5.3 Terms of Reference

- 5.3.1 The Audit and Governance Committee is to:
- (a) agree the strategic and annual internal audit plans;
 - (b) monitor the execution of the internal audit plan and scrutinising the timely implementation of internal audit recommendations;
 - (c) review the Head of Internal Audit's Annual Report and Opinion and internal audit reports;
 - (d) receive and respond to ad hoc reports and referring such reports to the appropriate committees of the Council as necessary.
 - (e) consider the annual external audit plan;
 - (f) monitor the execution of the external audit plan and the timely implementation of external audit recommendations;

- (g) be satisfied that the Council's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it;
- (h) review the financial statements, the external auditor's opinion, their Annual Governance Report and monitor the progress of management actions to address issues arising;
- (i) consider the reports of external audit and other inspection agencies published and referring these items to the appropriate committee(s) of the Council as necessary;
- (j) consider the effectiveness of the Council's anti-fraud and anti-corruption arrangements
- (k) monitor the effective development and operation of risk management and corporate governance in the Council;
- (l) commission work from internal and external audit' and
- (m) promote the value of the audit process.

5.3.2 In relation to Codes of Conduct:

- (a) to promote and maintain high standards of conduct by members and co-opted members of the Council;
- (b) to assist members and co-opted members of the Council to observe the Council's Code of Conduct;
- (c) to make recommendations to the Full Council about making, changing or revoking Codes of Conduct or Protocols for Councillors, co-opted committee members and employees;
- (d) to monitor the operation of Codes of Conduct and Protocols approved by the Council;
- (e) to make representations to the Local Government Association and Central Government, or other organisations, about any matter relating to the general principles of conduct for Members of the Council;
- (f) to consider and determine any allegations against Councillors (including members of Committees who are not members of this Council) of misconduct. (Misconduct means a breach of any Code

or Protocol adopted by the Council.) The Committee may issue a report on any finding of misconduct;

- (g) to consider any applications from Members for Dispensations in relation to any interests of Members as provided for by the Localism Act 2011 and any regulations made thereunder;
- (h) to appoint Sub Committees as required to deal with applications for Dispensations from Members;
- (i) to be responsible for liaison between the Council and external agencies, in particular the District Auditor and the Local Government Ombudsman, in connection with any matter within the Committee's Terms of Reference;
- (j) to provide advice and guidance to Councillors and employees and make arrangements for training in connection with any matters within the Terms of Reference of the Committee;
- (k) any other Function conferred upon the former standards committee by law.

5.3.3 In relation to Corporate Governance Issues:

- (a) To review the Council's performance in relation to transparency and public accountability for its decision making;
- (b) To review the Council's performance in relation to its relationship with external stakeholders in terms of disclosure, fairness and ethical practices;
- (c) To review the way the Council considers and implements its wider social economic and sustainable duties in the way it conducts its business.

6. **Area Committees**

Constitution and Terms of Reference

Ipswich Borough Council has constituted 5 Area Committees known as:

- North West Area comprising Whitton, Whitehouse and Castle Hill wards
- North East Area comprising Bixley, Rushmere and St John's wards

- South East Area comprising Holywells, Gainsborough Priory Heath wards
- South West Area comprising Bridge, Gipping, Sprites and Stoke Park wards
- Central Area comprising Alexandra, St Margaret's and Westgate wards

and reference to 'Area' in these terms of reference shall mean each of the above mentioned areas as the context requires.

The overarching aim of each committee is to identify area priorities and to take a strategic role in shaping the future of their Areas by developing and implementing an Action Plan for its Area.

Any committee business must be transacted in line with Area Action Plans.

The Council will allocate a budget for each Area Committee on a rolling 3 year basis in line with the Council's Medium Term Financial Plan.

6.1 Membership and Chairing

- 6.1.1 Each Area Committee will consist of all the ward councillors in the Area. Substitutes are not permitted.
- 6.1.2 The committee will elect a chair from among the members of the Area Committee. In the absence of the chair at a meeting the committee will elect any member to act as chairman for that meeting.
- 6.1.3 Committees may invite other elected members or representatives of outside organisations to attend and speak at meetings but in a non-voting capacity.
- 6.1.4 Members of the public will be able to attend the meetings (except in cases where exempt information items are involved) and will be able to speak with the consent of the Chair. If there are large numbers of members of the public wishing to speak on any item the Chair may limit the amount of time or the numbers of those permitted to speak. The Chair shall give priority to those members of the public who have expressed in advance a desire to speak at the meeting. Such expression should be given in writing and sent to the Monitoring Officer indicating the item of business and nature of any representations or question to be raised.

- 6.1.5 Senior officers from the Council or other outside organisations may be invited to attend any meetings to report to the committee on specific matters within the terms of reference.
- 6.1.6 Area committees shall invite the respective Suffolk County Councillor(s) whose division is wholly or partly within the area of the Area Committee to be full participating members on the relevant Area Committee, and who shall be full participating members of the committee but without voting rights. A maximum of 2 other co-optee appointments may be made to each Area Committee may be made after public advertisement in accordance with s102 (3) of the Local Government act 1972, if required.
- 6.1.7 The Press may attend any Area Committee meeting (except in cases where exempt information items are involved)
- 6.1.8 No audio or visual recording or photograph may be taken during any meeting without the consent of the Chair, who may withdraw consent at any time before or during the meeting.
- 6.2 Voting and Quorums
 - 6.2.1 Only the Elected Members of the Area Committee can vote. Where there is an equality of votes, the Chair shall have an additional casting vote.
 - 6.2.2 The quorum shall be the number of wards represented by the Area Committee, plus one.
- 6.3 Agenda, Minutes and Meetings
 - 6.3.1 A written agenda for each meeting shall be prepared and published in accordance with the statutory requirements.
 - 6.3.2 Except in cases of urgency only items of business that have been published on the agenda may be considered at each meeting.
 - 6.3.3 Minutes of meetings will record those present, details of any declarations of interest; the main issues debated, and the date and any decisions or recommendations made.
 - 6.3.4 Any recommendations made by the Area Committee to the Executive or the Council as the case may be, must be written in such a way that presents a clear proposal or alternatives for debate.
 - 6.3.5 Minutes will be circulated to all members of the committee and to all members of the Executive and otherwise published as required by law.

- 6.3.6 The Area Committees will meet 6 times a year or as required by the Chair.
- 6.3.7 The Area Committee shall observe the rules relating to exempt information.
- 6.4 Functions and Terms of Reference
- 6.4.1 The Committee shall deal with any matters falling within the scheme of delegations below where connected to its Area.
- 6.4.2 Any items of business shall normally be the subject of a written report unless otherwise specifically requested by the Executive or the Council, and the Committee shall take legal or other professional advice as required according to the nature of the business.
- 6.4.3 Each Area Committee shall adopt and thereafter review annually an Area Action Plan that identifies its local priorities. Each Committee must ensure that its actions contained in its Area Action Plan are defined as S.M.A.R.T actions (*Specified, Measurable, Achievable, Realistic and Time-framed*) and that they identify the scope for working with other public bodies or other stakeholders.
- 6.4.4 Each Area Committee shall report to the Executive on an annual basis detailing its activities and achievements.
- 6.5 Procedures and Training
- 6.5.1 The normal procedures (save as modified by this document) relating to committees set out in the Council's constitution relating to council committee meetings shall apply to Area Committees.
- 6.5.2 The Agenda for each Area Committee meeting may contain any item which has been approved by anyone of the following in consultation with the Chair of the Area Committee: Chief Executive, the Chief Operating Officer, the Monitoring Officer the S151 Officer or the Head of Service appointed by the Chief Executive to act as the Lead Support Officer for each Area.
- 6.5.3 Any Area Committee may not take any decision that is a Key Decision as defined in the Council's constitution unless details of the proposed item of business has been published on the Council's List of Forthcoming Decisions for the requisite period.
- 6.5.4 All Area Committees shall have a committee clerk in attendance at every meeting to advise the committee on procedure and to keep records of the proceedings in accordance with statutory requirements.

6.5.5 The terms of reference of the Area Committees may only be reviewed by the Leader in respect of Executive functions and by Council in respect of council functions.

6.5.6 Members of the Area Committee shall take steps to gain maintain and develop their knowledge and skills, for example by attending training appropriate to their role on the Area Committee.

6.6 Scheme of Delegation

Each Area Committees shall have the following powers and responsibilities:

6.6.1 To decide its own annual work programme and Area Action Plan and the spending of its budgets within these terms of reference and as permitted by law;

6.6.2 To make comments on strategic planning matters affecting either its own area or the Borough as a whole;

6.6.3 To act as a consultee in respect of consultations carried out by outside organisations in respect of issues affecting its area and reporting to the Executive on any responses given on such consultations;

6.6.4 To monitor and maintain an overview of council services and other stakeholder performance in its area, and to report to the Executive or council committee on these issues as the Area Committee feels necessary;

6.6.5 To make representations in the form of reports or 'action requests' to the Executive or the Council as the case may be on any of the following matters relating to its Area:

- Provision and maintenance of Public open space, allotments, and other recreation or leisure facilities;
- Provision of facilities for local children, young people, the elderly and disadvantaged members of the community;
- Provision of Police community support officers and neighbourhood policing teams;
- Provision of Crime & Grime and other enforcement operations;
- Provision of CCTV services;
- Provision of Waste collection services;
- Provision of Energy conservation schemes;
- Provision of Street cleansing and lighting;
- Road safety issues;

- Provision of Public transport and car parking;
- Health and wellbeing issues;
- Area based regeneration schemes and Town & District Centre projects;
- Area Action Plans;
- Provision of and Use of Community assets in its Area;
- Local Community improvement schemes;
- Local Community Development issues;
- Strategies for Community engagement, consultation and involvement exercises on matters of local community interest in its area;
- On any requirement for further devolution of powers to the Area Committees.

6.6.6 To take executive function decisions in relation to any works or services to be provided in its Area out of its budgets on any of the following matters:

- Any required decisions relating to the design and layout of projects funded from corporate funds secured through S106 planning obligations that have been implemented or the Community Infrastructure Levy in relation to their Areas including developer provided new play areas and open space, and other community amenities having regard to planning policies on these matters;
- Provision of and installation of new play equipment on council owned land in its area having regard to the corporate play strategy;
- Provision and/or maintenance of areas of public open space or recreation grounds in their Area, having regard to the corporate policies for those functions;
- Instigation and/or contribution to crime prevention measures;
- Contributions to traffic calming measures required in its Area;
- Determination of any objections to proposed bus shelters in its Area;
- Determination of any objections to proposed bus stop clearway restrictions in its Area;
- Decisions relating to any other area project, power or function that Executive has formally decided to devolve to an individual Area Committee on a case by case basis.

6.6.7 To provide 'ward intelligence' to the Executive and relevant heads of services in relation to the Borough's enforcement activities, the siting of CCTV cameras and other crime or anti-social behaviour in its Area.

6.6.8 To respond to any other specific matter referred to it by the Executive the council or a senior council officer.

- 6.6.9 To assist with policy development on matters pertinent to its Area, including the power to make recommendations to the Executive or Council on policy changes.
- 6.6.10 To develop an Area Action Plan to deliver locally determined priorities and objectives and to take decisions to allocate and spend the annual Area budget provided for such purposes by Council to deliver local area priorities, provided that the actions to be taken are lawful and fall within the overall remit of the terms of reference and that the estimated costs of any scheme or matter in terms of capital expenditure shall not exceed the allocated budget for the relevant year for the Area Committee.
- 6.6.11 Local area priorities may include consideration of schemes involving physical works, or delivery of actions referred to in the Area Action Plans developed in accordance with paragraph 6.10 may include services or supplies to or by local community groups provided the same can be met within the allocated Area Committee Budget.
- 6.6.12 The Area Committee may submit proposals or bids for future funding in subsequent years to the Executive as part of the budget setting process.
- 6.6.13 Area Committees are empowered to devolve up to 10% of their annual budgets to the Head of Service appointed by the Chief Executive to act as Lead Support Officer for the relevant Area to establish a 'Making a Difference Budget' for use after consultation with the Area Chair on small scale community initiatives in their Area (or jointly with a neighbouring Area) submitted by ward councillors to meet immediate community needs that are connected to the relevant Area Action Plan approved by the relevant Area Committee. Provided that:
- the relevant Head of Service shall consult every ward councillor in the Area on every proposal (s)he receives, and take into account any representations received in respect of the level of support or objection to the proposal received from the ward councillors in the Area, and
 - the capital value of any individual proposal (or contribution thereto) may not exceed total value of £2000 with no other revenue implications, and there being available funds in the Making A Difference account for the Area
- the Head of Service may after having regard to the consultations responses approve such proposals if in his opinion it contributes to the delivery of the Area Action Plan, or may reject it, or refer it elsewhere for consideration.

- 6.6.14 Area Committees are empowered to bid for any 'match funding' that may be available from third parties for projects in their area provided that the full project costs can be met from secured match funding and their own budgets as allocated by the Council and that there is no impact on revenue costs elsewhere in the Council.
- 6.6.15 The Head of Resource Management shall provide each Area Committee with a list of other public organisations operating in their area, the statutory responsibilities of those organisations, and appropriate contact details, to enable Area Committees to source match funding proposals for any Area Committee projects or initiatives.
- 6.6.16 No Area Committee may commit any additional revenue expenditure or other continuing financial obligation out of its annual area budget beyond a 3 year period commencing with the financial year in which a decision is taken without the prior consent of the Executive.