



CHILTERN
District Council



CDC Governance and Electoral Arrangements Committee

Tuesday, 7th March, 2017

At

6.30 pm

**Large & Small Committee Room, King George V House, King George V
Road, Amersham**

**Appendix 3: Overview & Scrutiny Procedures and Whistle
Blowing Policy for Members**

Appendix 4: Petitions Scheme

**Appendix 5: Cabinet Delegations & Terms of Reference of
Licensing & Regulation Committee and its Sub-Committee**

APPENDIX 3**SECTION A – PROCEDURES TO BE ADOPTED AT “CALL IN” MEETINGS
OF AN OVERVIEW COMMITTEE.****1. GENERAL**

- 1.1 ~~Standing Orders, i.e. the~~ Council Procedure Rules apply with some modifications.
- 1.2 The Scrutiny Committee will not call in individual decisions relating to development control, licensing or regulatory matters or matters relating to complaints about members within the purview of the Audit and Standards Committee.

2. INTERESTS

- 2.1 In addition to the usual rules on interests, members should take special note of the circumstances in which it will be necessary to declare a **prejudicial interest in accordance with paragraph 8 of the Code of Conduct** and withdraw from the meeting during consideration of the item that gave rise to the interest, unless a dispensation has been obtained under section 33 of the Localism Act 2011. ~~from the Secretary of State~~. If so, the terms of the dispensation, for example the right to attend and speak but not vote, must be strictly complied with. ~~The Head of Legal Services will enter all declarations of prejudicial interests in a register maintained for that purpose which will be available for inspection by other members.~~

3. PROCEDURE FOR CALLING A MEETING TO CONSIDER A CALL IN

- 3.1 The procedure will be as follows:-
- 1) When the Proper Officer receives a valid Notice of Call In he will notify the Chairman of the Scrutiny Committee and agree with him a meeting date for consideration of the Call In. This will be not more than 7 days from the date of the Call In. The Chairman will also consider which Cabinet Member(s) and/or Officer(s) should be required to attend the meeting.
 - 2) Once a date has been agreed the Proper Officer will notify the Leader of the Cabinet of the Call In and any other Cabinet Member or Officer required to attend the meeting. The Notice of Call In will be supplied to the Cabinet Leader and any prospective witness together with a copy of this Protocol.

4. SCOPE OF CALL IN

- 4.1 The Scrutiny Committee is not a decision making body and in relation to a Call In can only recommend that the Cabinet re-considers a decision it has already made but not implemented. In addition, the Constitution requires Call In's to be investigated and a conclusion reached at a single meeting. Given these constraints,

Classification: OFFICIAL

any Call In investigation should direct its efforts to the manner in which the decision was made and not to the merits of the decision itself, namely:-

- 1) In making the decision is it apparent that the Cabinet has complied with the principles of decision making set out in Article 12 of the Constitution?
- 2) Is the decision within the Budgetary and Policy Framework?
- 3) Before making the decision, were alternative courses of actions considered?
- 4) Would further research be likely to result in a different decision and would the costs of that research and any delays be justified in terms of the benefits conferred by a different decision?
- 5) Has new information come to light (whether before or as a result of a Call In investigation) which would justify reconsideration of the decision?

5. WITNESSES

5.1 The Scrutiny Committee may **require** any of the following to attend a Call In Meeting to give advice and/or answer questions:-

- 1) A member of the Cabinet, usually the relevant portfolio holder;
- 2) An officer (other than a political advisor).

Provided that:-

- 1) At least 48 hours notice is given to a Cabinet Member required to attend and subject to the right of that Cabinet Member to nominate another Cabinet Member to attend if he is unable to do so himself;
- 2) The consent of the Chief Executive or relevant Director is sought before an officer below Head of Service level is required to attend. In such circumstances, the Chief Executive, relevant Director or Head of Service will also have the right to attend and be heard, or nominate another senior officer on their behalf to be heard. Officers shall be accountable to the Scrutiny Committee for advice they have given or decisions they have taken.

6. PROCEDURE AT THE MEETING

6.1 The Chairman or Vice Chairman responsible for Calling In the decision under consideration will address the Committee giving reasons for the Call-In and why the Committee should proceed to consider it. Members will have the opportunity of asking questions following which the Chairman will move a motion that the decision the subject of the Call In be investigated. If that motion is lost the Chairman will

Classification: OFFICIAL

thank any prospective witnesses for their attendance and declare the meeting closed unless there are any other items of business on the Agenda. The Chairman will also notify the Leader of the Cabinet of the decision in writing. If the motion is carried the Committee should agree the order in which witnesses are interviewed and then proceed with witness examination.

7. WITNESS EXAMINATION AND EVIDENCE GATHERING

7.1 The procedure will be as follows:-

- 1) A witness may submit documents and other papers in advance. Such documents and papers should be clear and succinct.
- 2) A witness shall be entitled to bring and refer to such notes and diaries as shall be of assistance to them in giving evidence but shall be expected to disclose the same to the Committee. The Committee will maintain the confidentiality of any confidential material thus disclosed.
- 3) At the Chairman's discretion, a witness may be shown the notes of evidence of any other witness who has already given evidence on the matter.
- 4) Provided that a document submitted by a witness does not contain confidential or exempt information, it will become a public document and be added to the list of background papers.
- 5) A witness may be asked searching questions but will at all times be treated with courtesy and respect. In particular, a witness will :-
 - (i) be entitled to seek clarification from the questioner of any question posed;
 - (ii) be given adequate time to answer a question;
 - (iii) be entitled to answer questions in his own words and without interruption (except from the Chairman in order to pursue a line of questioning or if he considers that a witness is digressing);
 - (iv) be entitled to respect for his personal or private life except, where this impinges directly upon the performance of a duty owed to the Council.
- 6) Questions will be limited to the matters under consideration and the Chairman may rule out of order any question, which offends this principle or is repetitious. Subject to this, the Chairman will ensure that each members of the Committee who wishes to ask a question is afforded the opportunity to do so. The questioner will also be entitled to ask one supplemental question and with the consent of the Chairman, may be permitted to ask further questions in order to pursue a line of questioning likely to elicit evidence which will assist the Committee in its deliberations.

- 7) Where a witness objects to a question as being unreasonable, or an invasion of privacy the Chairman shall either :-
- (i) rule that the question be pursued or be not pursued;
 - (ii) at the request of the witness, adjourn the meeting so that he can hear private representations from the witness as to why the question should not be pursued, following which the Chairman shall, if necessary, seek appropriate legal advice. Thereon the meeting shall be re-convened and the Chairman shall rule that the question be pursued or be not pursued.

8. CONCLUSION OF INVESTIGATION

8.1 After all the witnesses have been heard, the Committee will consider the evidence heard and reach a decision. The decision taken will fall within one of the following categories:-

- That the Committee is satisfied with the decision of the Cabinet;
- That the decision under consideration be referred back to the Cabinet with a recommendation that The Chairman will also notify the Leader of the Cabinet of the decision in writing.

**SECTION B – PROCEDURES TO BE ADOPTED AT INVESTIGATIVE
MEETINGS OF AN OVERVIEW COMMITTEE (EXCLUDING
CALL IN)**

1. GENERAL

- 1.1 ~~Standing Orders, i.e. the~~ Council Procedure Rules apply with some modifications.
- 1.2 The ~~OverviewScrutiny~~ Committee will not investigate or examine individual decisions relating to development control, licensing or regulatory matters or ~~complaints about members' conduct~~matter within the purview of the Audit and Standards Committee.

~~1.3~~ This protocol also applies to any Sub-Committee appointed by Overview Committee, the Scrutiny Sub-Committee and Best Value Sub-Committee. References herein to ~~"the Scrutiny Committee" or "the Committee"~~, shall, where appropriate, be treated as a reference to the ~~Scrutiny Sub-Committee or Best Value Sub-Committee~~.

2. INTERESTS

- 2.1 In addition to the usual rules on interests, members should take special note of the circumstances in which it will be necessary to declare a **prejudicial interest** under paragraph 8 of the Code of Conduct and withdraw from the meeting during consideration of the item that gave rise to the interest, unless a dispensation has been granted under section 33 of the Localism Act 2011~~obtained from the Secretary of State~~. If so, the terms of the dispensation, for example the right to attend and speak but not vote, must be strictly complied with. ~~The Head of Legal Services will enter all declarations of prejudicial interests in a register maintained for that purpose which will be available for inspection by other members.~~

3. SPEAKERS

- 3.1 The ~~OverviewScrutiny~~ Committee may **require** any of the following to attend a meeting to give advice and/or answer questions:-

- 1) A member of the Cabinet;
- 2) An officer (other than a political advisor)

provided that the consent of the Chief Executive or relevant Director will be sought before an officer below Head of Service level is required to attend. In such circumstances, the Chief Executive, relevant Director or Head of Service will also have the right to attend and be heard, or nominate another senior officer on their behalf to be heard. Officers shall be accountable to the OverviewScrutiny Committee for advice they have given or decisions they have taken.

- 3.2 The ~~Overview~~Scrutiny Committee may **request** any of the following to attend a meeting to give advice or answer questions:-
- 1) Any elected or nominated or co-opted member;
 - 2) A representative of any outside body whose powers or interests are relevant to the matter under consideration ;
 - 3) Any external expert provided any fees and expenses can be met from within the Committee budget;
 - 4) Any resident of the District or any person with a legitimate interest in the topic under consideration.
- 3.3 There will be a presumption that the when the Committee is considering any matter which relates to or effects part only of the District, local members will be requested to attend.

4. CALLING AND ATTENDANCE OF WITNESSES

- 4.1 Not less than seven days notice will be given to a witness, except in the case of an emergency when as much notice as possible in the circumstances will be given. However, where a witness is required to prepare a report, adequate time will always be given to allow for this to be done.
- 4.2 The notice will state the nature of the matter that the witness is required or requested to give evidence on and indicate any documents or papers he is required or requested to produce.
- 4.3 The witness will be entitled to examine the terms of reference of the matter under consideration before giving evidence.
- 4.4 The witness will also be entitled to examine the public papers which have been made available to the ~~Overview~~Scrutiny Committee, wherever possible on the same time-scale as that applicable to a member of the Committee.
- 4.5 Any person who has been **requested** to attend but is unable to do so may nominate another person to attend who is able to speak on the matter under consideration. Alternatively they may provide a written statement.
- 4.6 Any person who has been **required** to attend but is unable to do so for reasons that have been notified to and accepted by the Chairman may nominate another person to attend who is able to speak on the matter under consideration. In exceptional circumstances, following consultation with the witness, an alternative date may be fixed for attendance within the next six weeks.

Classification: OFFICIAL

- 4.7 At the Chairman's discretion, a witness may be shown the notes of evidence of any other witness who has already given evidence on the matter. The Chairman shall also have a discretion to disclose other papers if he considers that this would assist the witness in giving evidence or assist the Committee in its deliberations. Subject to obtaining appropriate legal advice, such disclosure may include confidential or exempt material, provided that the witness gives an undertaking to respect the confidentiality of such material and not disclose it to any person without the prior authorisation in writing of the Council's Monitoring Officer.
- 4.8 A witness may submit documents and other papers in advance. Such documents and papers should be clear and succinct.
- 4.9. A witness shall be entitled to bring and refer to such notes and diaries as shall be of assistance to them in giving evidence but shall be expected to disclose the same to the Committee. The Committee will maintain the confidentiality of any confidential material thus disclosed.
- 4.10 Provided that a document submitted by a witness does not contain confidential or exempt information, it will become a public document and be added to the list of background papers.
- 4.11 A witness who is an officer or member of Policy Advisory Group shall not be required to give a personal opinion on any Cabinet decision which is different from the recommendation made by the officer or Policy Advisory Group (as the case may be).
- 4.12 A witness may be asked searching questions but will at all times be treated with courtesy and respect. In particular, a witness will:-
- 1) be entitled to seek clarification from the questioner of any question posed;
 - 2) be given adequate time to answer a question;
 - 3) be entitled to answer questions in his own words and without interruption (except from the Chairman in order to pursue a line of questioning or if he considers that a witness is digressing);
 - 4) be permitted to provide a written reply if he is unable to answer a question due to a lack of knowledge or information;
 - 5) be entitled to respect for his personal or private life (except, in the case of a member or officer, where this impinges directly upon the performance of a duty owed to the Council).
- 4.13 Questions will be limited to the matters under consideration and the Chairman may rule out of order any question, which offends this principle or is repetitious. Subject to this, the Chairman will ensure that each members of the Committee who wishes to ask a question is afforded the opportunity to do so. The questioner will also be

Classification: OFFICIAL

Classification: OFFICIAL

entitled to ask one supplemental question and with the consent of the Chairman, may be permitted to ask further questions in order to pursue a line of questioning likely to elicit evidence which will assist the Committee in its deliberations.

4.14 Where a witness objects to a question as being unreasonable, or an invasion of privacy the Chairman shall either:-

- 1) rule that the question be pursued or be not pursued;
- 2) at the request of the witness, adjourn the meeting so that he can hear private representations from the witness as to why the question should not be pursued, following which the Chairman shall, if necessary, seek appropriate legal advice. Thereon the meeting shall be re-convened and the Chairman shall rule that the question be pursued or be not pursued.

4.15 A witness shall be entitled to a copy of any draft minute or other record taken of his evidence. Should he feel that such a record is not accurate in any material respect he shall be permitted to make written representations asking for a correction to be submitted to the next meeting of the Scrutiny Committee for consideration.

4.16 OverviewScrutiny Committee meetings are open to the press and public except where confidential or exempt matters (as defined under the Local Government Act 1972) are under consideration.

5. DOCUMENTATION

5.1 The OverviewScrutiny Committee may, within the limit of its budget commission research or advice internally or externally to assist in its deliberations.

5.2 Members of the OverviewScrutiny Committee shall have the rights of access to documents and information prescribed by the Access to Information Rules (Part 4 Section D of the Constitution)

6. INFORMATION FOR WITNESSES

6.1 Any witness required or requested to attend a meeting of the OverviewScrutiny Committee shall be supplied with a copy of this Protocol.

Classification: OFFICIAL

SECTION G**WHISTLE BLOWING POLICY FOR MEMBERS****Preamble**

Chiltern District Council ('the Council') aims to make information it holds freely available to the public in fulfilling its responsibility for openness, transparency and accountability. However, in doing so, it must also respect the data privacy and confidentiality rights of individuals, commercial entities and not for profit organisations to the extent permitted or required by the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. It is also in the public interest that the Council's commercial interests are protected and that these rights are not undermined by unwitting or deliberate disclosure, whether by officers or members.

Disclosure of confidential information can be a criminal offence and/or constitute a breach of the Member Code of Conduct.

Purpose of Policy

This policy sets out the arrangements agreed by the Council for the treatment by Members of Confidential Information in a manner which is also consistent with the requirements of the Members Code of Conduct. It also constitutes a statement of the Council's reasonable requirements in relation to the 'public interest' disclosure of confidential information, whether belonging to the Council or to a third party.

Confidential information

Confidential information is information

- given to the Council by a Government Department on terms which forbid its public disclosure
- which cannot be disclosed by the Order of an English Court
- obtained and/or given to the Council in confidence and to be duly respected as such under the provisions of the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004
- which is contained within exempt reports – Schedule 12A Part 1 Local Government Act 1972.

Receiving Confidential Information

1. Confidential information will be identified in one of the following ways:
 - (i) Clearly marked as such by the use of terms such as 'confidential', 'in confidence', 'private', 'private and confidential', 'not for publication' or 'exempt'.

Classification: OFFICIAL

- (ii) Included in Part 2 of an agenda (confidential reports and appendices) for a formal meeting of the Council, or one of its Committees or Sub-Committees or the Cabinet or one of its Committees or a Council or Cabinet Joint Committee or a Sub-Committee of such Joint Committee; or
- (iii) Received with a covering letter or other communication which indicates that the document is confidential

Disclosing Confidential Information

2. If you receive confidential information you should assume that it is provided to you personally and you should not disclose it to anyone unless one of the following applies:-

- (i) Information at Paragraph 1(ii) above (confidential reports and appendices) will be supplied to all other members attending the meeting in question and may be shared and discussed with them. It should not however be shared with officers who are not involved in the meeting other than the Chief Executive, relevant Director or Head of Service, Head of Financial Services or the Monitoring Officer.
(Full Council reports and appendices - and Cabinet reports – are sent to all members. However all reports for all committees - including part 2 reports are available to all Members ~~on request from Democratic Services – and~~ electronically on the Internet (part 1) and intranet (part 2) - however confidentiality should be respected).
- (ii) You have the written consent of the person who provided you with the information or the written consent of the Chief Executive, Director of Resources~~Head of Financial Services~~ or the Monitoring Officer/Deputy Monitoring Officer to the specific disclosure you intend to make;
- (iii) You have received legal advice that you are under a legal obligation to disclose that information to a person who has requested it. The Monitoring Officer/Deputy Monitoring Officer will provide advice on this point if requested; or
- (iv) You may disclose the information if it is necessary for you to do so in order to obtain advice from a professional adviser, provided that adviser gives a binding obligation not to disclose the information themselves.

3. If none of the circumstances outlined in paragraph 2 apply, but you still wish to make a disclosure of confidential information, you can only do so lawfully and in compliance with the Members' Code of Conduct if there is a clear and overriding public interest to do so. such disclosure is:-

- ~~(i) — reasonable,~~
- ~~(ii) — made in good faith;~~

Classification: OFFICIAL

~~(iii) in the public interests; and~~

(iv) in compliance with the reasonable requirements of the Council.

In this regard, it is the requirement of Chiltern District Council that before disclosing confidential information on a 'public interest' basis you first seek the advice of the Chief Executive or Monitoring Officer/Deputy Monitoring Officer. Where an approach to any of these officers is inappropriate due to their personal involvement in the subject matter considered for disclosure – advice should be sought from the Council's District Auditor.

~~4. Paragraph 34(4a) of the Members Code of Conduct is attached as **Annexe 1**. Deciding whether a disclosure is in the public interest is a complex question, which, if a member gets wrong, will result in a breach of the Code of Conduct. To assist, the Standards Board for England (now Standards for England) Fact sheet on disclosing confidential information is attached as **Annexe 2** which provides further guidance on the requirements of Paragraph 4(a) and a number of useful frequently asked questions (FAQ's).~~

~~**Adopted by Council:** Standards Committee 1 December 2009
Council 23 February 2010~~

ANNEXE 1

EXTRACT OF PARAGRAPH ~~34~~(4a) OF THE MEMBERS' CODE OF CONDUCT

~~34~~(4). You must ~~not~~:-

~~respect the confidentiality of information which you receive as a member –~~

~~i. not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and~~

~~ii. not obstructing third parties' legal rights of access to information~~

~~(a) — disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-~~

~~(i) — you have the consent of a person authorised to give it;~~

~~(ii) — you are required by law to do so;~~

~~(iii) — the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or~~

~~(iv) — the disclosure is:-~~

~~(aa) reasonable and in the public interest; and~~

~~(bb) made in good faith and in compliance with the reasonable requirements of the authority;~~

ANNEXE 2**DISCLOSING CONFIDENTIAL INFORMATION****STANDARDS BOARD FOR ENGLAND – FACTSHEET – 1 OCTOBER 2007****Relevant Code paragraphs: 4(a)**

Summary: This fact sheet provides a summary of key points and frequently asked questions about disclosing confidential information under the 2007 revised Code of Conduct for members.

Key facts

- Confidential information can only be disclosed when at least **one** of the following circumstances applies
 - 1). You have to disclose the information by law
 - 2). An authorised person says you can disclose it.
 - 3). You need professional advice from a third party, for example your lawyer, and that person agrees not to pass the information to anyone else.
 - 4). The disclosure is in the public interest. This is only justified in limited circumstances (see below).
- Disclosure of confidential information, or information which you believe to be confidential for any other reason, is likely to be a breach of the Code.
- Disclosure of confidential information in the public interest can only be justified when **all** of the following requirements are met:
 - a). The disclosure must be reasonable.
 - b). The disclosure must be in the public interest.
 - c). The disclosure must be made in good faith.
 - d). The disclosure must be made in compliance with the reasonable requirements of your authority.

FREQUENTLY ASKED QUESTIONS**Q1. When is a public interest disclosure “reasonable”?**

This depends on the facts of the case and is a matter of judgement. However, you will need to consider issues such as:

- Whether you believe that the information disclosed, and any allegation contained in it, is true. If you do not believe it is true, then the disclosure is unlikely to be reasonable.
- Whether you make the disclosure for personal gain. If you are paid to disclose the information, the disclosure is unlikely to be reasonable.
- The identity of the person to whom you make the disclosure. It may be

~~reasonable to disclose information to the police but not to the world at large through the media.~~

- ~~• The extent of information disclosed. The inclusion of unnecessary detail is unlikely to be reasonable.~~
- ~~• The seriousness of the matter. The more serious it is, the more likely it is that the disclosure will be reasonable.~~
- ~~• The timing of the disclosure. If the matter to which the disclosure relates has already occurred, and is unlikely to occur again, then the disclosure may be less likely to be reasonable than if the matter is continuing or is likely to reoccur.~~
- ~~• Whether the disclosure involves the Council failing in a duty of confidence to another person.~~

~~Q2. When is a disclosure “in the public interest”?~~

~~For a disclosure to be in the public interest it needs to involve at least one of the following matters, or something of comparable seriousness, that has either happened in the past, is currently happening, or is likely to happen in the future:~~

- ~~• A criminal offence is committed.~~
- ~~• Your authority or some other person fails to comply with any legal obligation to which they are subject.~~
- ~~• A miscarriage of justice occurs.~~
- ~~• The health or safety of any individual is in danger.~~
- ~~• The environment is likely to be damaged.~~
- ~~• Information showing any of the above is deliberately concealed.~~

~~Q3. When is a public interest disclosure “made in good faith”?~~

~~To make a disclosure in good faith you must not act with an ulterior motive, for example to achieve political advantage.~~

~~Q4. How do I comply with the “reasonable requirements of my authority”?~~

~~Before considering releasing confidential information you must ensure that you comply with your authority’s policies or protocols on matters such as whistle blowing or member officer relationships and confidential information, in addition to considering requirements (a)-(c) in the key facts above.~~

~~If your authority does not make any requirements to cover the possibility of a member considering a release of information, then the test for disclosing confidential information is a three-stage one — namely to satisfy the requirements (a) — (c) as above.~~

~~However the Standards Board recommends that authorities ensure they have policies on matters such as whistle blowing in place and that they take steps to ensure that all members are familiar with the provisions.~~

~~Appropriate and robust authority protocols can assist in ensuring the protection of confidential information where appropriate, and in promoting and upholding high ethical standards more generally.~~

~~**Q5. When is a public interest disclosure not capable of being justified?**~~

~~When a disclosure amounts to a criminal offence or when information is protected by legal professional privilege, it is extremely unlikely its release could be justified in the public interest~~

APPENDIX 4**SECTION I****PETITIONS SCHEME – ADOPTED 16 18 MAY 2017~~2010~~**

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement from the council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition – and has a minimum of 50 signatures of people who live, work or study in the Chiltern area.

Paper petitions can be sent to:

Chief Executive
Chiltern District Council
Council Offices
King George V Road
Amersham
Bucks
HP6 5AW

Or be created, signed and submitted online by following this link **[link to be added]** Petitions can also be presented to a meeting of the Council. These meetings take place on an approximate 6 weekly basis, dates and times can be found here **[link to be added]**. If you would like to present your petition to the Council, or would like your councillor or someone else to present it on your behalf, please contact the Council's Democratic Services Officer at [insert email address and telephone number]~~Bob Wearing on 01494 - 732145~~ at least 10 working days before the meeting and they will talk you through the process. If your petition has received 900 signatures or more it will also be scheduled for a Council debate and if this is the case we will let you know whether this will happen at the same meeting or a later meeting of the Council.

What are the guidelines for submitting a petition?

Petitions submitted to the council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
- the name and address and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser. Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an

election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website. If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take. If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available here **[links to be added]** We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

How will the Council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners

- referring the petition for consideration by one of the council's overview and scrutiny committees *
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

*Overview and scrutiny committees are committees of councillors who are responsible for scrutinising the work of the Council – in other words, the overview and scrutiny committee has the power to hold the council's decision makers to account. In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition. Set out below are some examples.

Alcohol related crime and disorder

If your petition is about crime or disorder linked to alcohol consumption, the Council will, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. The Council's response to your petition will set out the steps we intend to take and the reasons for taking this approach.

Anti-social behaviour(ASB)

As the elected representatives of your local area, as social landlord and licensing authority, the council plays a significant role to play in tackling anti-social behaviour. The Council, in conjunction with our partners in the local crime and disorder partnership have set out minimum service standards for responding to issues of anti-social behaviour, you can find more details about these standards here **[link to be added]**.

When responding to petitions on ASB, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene as part of our role as social landlord and licensing authority. For example, we will work with the neighbourhood policing team in the affected area to identify what action might be taken including what role CCTV might play, consider identifying a dedicated contact within the council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, we will alert the crime and disorder reduction partnership and relevant overview and scrutiny committee to the issues highlighted in the petition. If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible here **[link to be added]**.

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply

forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

Full council debates

If a petition contains more than 900 signatures it will be debated by the full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting.

This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given the opportunity to present the petition at the meeting and the petition will then be discussed by Councillors. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the council executive are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 450 signatures, the relevant senior officer will give evidence at a public meeting of the council's relevant overview and scrutiny committee. The relevant senior officers for this purpose are the Chief Executive and the Director of Planning and the Environment. You should be aware that the overview and scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting Bob Wearing on 01494 – 732145 up to three working days before the meeting.

E-petitions

~~The Council welcomes e-petitions which are created and submitted through our website [\[link to be added\]](#). E-petitions must follow the same guidelines as paper petitions.~~

~~The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for~~

~~signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.~~

~~When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.~~

~~If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.~~

~~When an e-petition has closed for signature, it will automatically be submitted to the Council Chief Executive. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like to present your e-petition to a meeting of the Council, please contact Bob Wearing on 01494 732145 within 10 working days of receipt of the acknowledgement.~~

~~A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.~~

How do I 'sign' an e-petition?

~~You can see all the e-petitions currently available for signature here [\[link to be added\]](#). When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.~~

What can I do if I feel my Petition has not been dealt with properly?

If you feel that we have not dealt with your Petition properly, the petition organiser has the right to request that the Council's relevant overview and scrutiny committee review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

The Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an

Classification: OFFICIAL

investigation, making recommendations to the council executive and arranging for the matter to be considered at a meeting of the full Council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

~~CONSTITUTION REVIEW COMMITTEE 11.5.10~~
~~COUNCIL 18.5.10~~

APPENDIX 5**SECTION D - DELEGATIONS TO CABINET PORTFOLIO HOLDERS**

- 1 As a general rule the Cabinet acts collectively and Cabinet Portfolio holders accept collective responsibility for the decision taken.
- 2 Rule 2.2 (3) of the Cabinet Procedure Rules and Rules 17.2 and 17.3 of the Access to Information Procedure Rules set at Sections B and D of Part 4 of this Constitution permit the Cabinet as a collective to delegate decision making powers to individual Cabinet Portfolio holders and for a proper record to be made and publicity given to any decisions made.
- 3 For reasons of openness and accountability, the Council has resolved to keep and maintain in this part of the Constitution a record of all standing delegations to Cabinet Portfolio holders, including the Cabinet Leader. A standing delegation is defined to mean any delegation of decision making powers to an individual Cabinet Portfolio holder or to the Cabinet Leader that is intended to be exercised more than once in relation to a specific category or type of decision falling within the portfolio responsibilities of the decision maker.
- 4 The Table below sets out the current standing delegations to individual Cabinet Portfolio holders including the Cabinet Leader.

Portfolio holder	Nature of Delegation	Limitations on Delegations	Cabinet Minute Authority
Leader	None at Present		
Community Health & Housing Young People, Leisure, Community & Communications	Authority to determine applications for Community Grants falling below the Key Decision Threshold (£530,000)	In accordance with the adopted Community Grants Policy and Appraisal Criteria	85/2003
	Delegated authority to consider requests for Council Tax reduction by Members of the armed forces serving overseas on an individual basis under Section 13A of the Local Government Finance Act 1992.	None	22.9.09

Health & Housing	None at present		

Sustainable Development Planning & Transport	Authority to determine Revitalisation Grants applications	Following consultation with the relevant Ward Member(s) and subject to an approved scoring system.	136/2003
Environmental Management & Engineering	None at Present		
Financial & Resource Management	None at Present		
Community Partnerships	None at Present		

LICENSING [AND REGULATION] COMMITTEE

1.1 General

A regulatory Committee of the Council established to be responsible for Licensing and registration matters and external Health & Safety at Work.

1.2 Membership, Chairmanship and Quorum

Number of Members	Fifteen
Substitute Members Permitted	No <u>Yes</u>
Political Balance Rules apply	Yes
Appointments/Removals from Office	By resolution of full Council
Restrictions on Membership	<u>The undertaking of training on licensing functions and procedures</u> Cabinet Leader may not be a member
Restrictions on Chairmanship/Vice-Chairmanship	Cabinet Members may not hold these offices
Quorum	Five
Number of ordinary meetings per Council Year	Six <u>At least two per year</u>
Standing Sub-Committees	Licensing Sub-Committee and Taxi and Private Hire Licensing Sub-Committee

1.3 Terms of Reference

~~1.3.1 To exercise the Council's responsibilities for the functions relating to licensing and registration and other miscellaneous functions of a District Council identified as specified in part B of Schedule 1 and Regulations 2 (2), 2 (3) 2 (4) and 2 (6) (d) and (e) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 as amended from time to time, insofar as such function are not the responsibility of any other local authority. ("the 2000 Regulations") the left hand column of the Table below in respect of the enactments identified in the right hand column :-~~

Function	Enabling Provision
Licensing and registration	
1. Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960.
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936.
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by

	<p>section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976;</p> <p>(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5a Power to register pool promoters.	<p>Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c.2) as saved for certain purposes by the Gambling Act Order.</p> <p>Note: The Gambling Act Order means the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006.</p>
5b Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by the Gambling Act Order.
5c Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by the Gambling Act Order.
5d Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c.65), as saved for certain purposes by the Gambling Act Order.
5e Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c.32), as saved for certain purposes by the Gambling Act Order.
5f Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976, as saved for certain purposes by the Gambling Act

5g Power to issue cinema and cinema club licences.	Order. Section 1 of the Cinema Act 1985 (c.13).
5h Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 (c.54).
5i Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c.12), section 52 of and Schedule 12 to, the London Government Act: 1963 (c.33). Section 79 of the Licensing Act 1964 (c.26). Sections 1 to 5 and 7 of and Parts 1 and II of the Schedule to the Private Places of Entertainment (Licensing) Act 1967 (c.19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c.30).
6. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3 (as amended by Paragraph 85 of Schedule 6 Licensing Act 2003).
7. Power to license performances of hypnotism.	The Hypnotism Act 1952.
8. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
9. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.
10. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
11. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1) (b) (ii), 5, 6 and 11 of the Poisons Act 1972.
12. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860 , section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874 , and section 213 of The Local Government Act 1972.

13. Power to register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990.
14. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964.
15. Power to regulate Motor Salvage Operators	Vehicle (Crime) Act 2001 and Motor Salvage Operators Regulations 2002
16. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975.
16a Power to issue safety certificates.	The Regulatory Reform (Fire Safety) Order 2005
17. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987.
18. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.
19. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; Section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
20. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.
21. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.
22. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.
23. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).
[Bucks CC function] 23a Power to approve Premises for the solemnization of marriages.	Section 46A of the Marriages Act 1949 and the Marriages (Approved Premises) Regulations 1995.

24. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and Section 2 of the House to House Collections Act 1939.
25. Power to grant consent for the operation of a loudspeaker. County function transferred to Care Standards Council	Schedule 2 to the Noise and Statutory Nuisance Act 1993. Section 2 of the Nurses Agencies Act 1957.
26. Power to license agencies for the supply of nurses.	
27. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082).
28. Power to approve premises for the production of minced meat or meat preparations. [28a -28 d Bucks CC functions]	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).
28a Power to issue licences for movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995.
28b Power to license the sale of pigs.	Article 13 of the above 1995 Order.
28c Power to license collecting centres for the movement of pigs.	Article 14 of the above 1995 Order.
28d Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998.
29. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086).
30. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).
31. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763).
32 Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).

33. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
34. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
35. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
36. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
37. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).
38. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.
39. Power to make closing orders with respect to take-away food premises	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982
[Bucks CC function]	
40. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980.
41. Power to make orders restricting the consumption of alcohol in a public place	Section 13 Criminal Justice & Police Act 2001
42. Functions relating to licensing including but not limited to :-	Sections 5 to 8 of the Licensing Act 2003.
42a. Power to grant, vary, transfer or review a premises licence or club premises licence for the supply of alcohol regulated entertainment and late night refreshment	Sections 18, 35, 39, 44, 52, 72, 85, 88 and Schedule 1 and 2 Licensing Act 2003
43. Power to issue a provisional statement	Section 31 of the Licensing Act 2003
44. Power to cancel an interim authority notice	Section 49 of the Licensing Act 2003

45. Powers to inspect premises before grant of licence	Sections 59 and 96 of the Licensing Act 2003
46. Power to grant or renew a personal licence	Section 117 of the Licensing Act 2003
47. Right of entry where temporary event notice is given	Section 108 of the Licensing Act 2003
48. Rights of entry to investigate licensable activities	Section 179 of the Licensing Act 2003
49. Power to close noisy premises	Section 40 Anti Social Behaviour Act 2003
50. Issue of fixed penalty notice for graffiti or fly-posting	Section 43 Anti Social Behaviour Act 2003
51. Service of graffiti removal notice	Section 48 Anti Social Behaviour Act 2003
52. Power to grant, vary, transfer or review a premises licence for the operation of a casino or for the provision of facilities to play bingo or for use as an adult gaming centre or family entertainment centre or for the provision of facilities for betting.	Sections 163,164, 187,188 199 and 202, 203 and 205 of the Gambling Act 2005
53. Power to issue a provisional statement	Section 204 of the Gambling Act 2005
54. Hearing of an objection to a temporary use notice	Section 222 of the Gambling Act 2005
55. Power to issue a counter notice to a temporary use notice	Section 224 of the Gambling Act 2005
56. Power to issue, vary, renew or cancel a club gaming permit	Section 271, 274 and Schedule 12 of the Gambling Act 2005
57. Power to issue, vary, renew or cancel a club machine permit	Section 273, 274 and Schedule 12 of the Gambling Act 2005
58. Power to issue, transfer, vary or cancel a licensed premises gaming machine permit	Section 283 and Schedule 13 of the Gambling Act 2005
59. Power to make an order disapplying	

Sections 279 and 282(1) of the Gambling Act 2005 to certain premises. (Section 279 exempts premises licensed for the sale of alcohol from requiring a Gambling Act Operating or Premises licence for prescribed low stake/prize value equal chance gaming and Section 282(1) provides premises licensed for the supply of alcohol with an automatic entitlement to one or two Category C or D gaming machines)	Section 284 of the Gambling Act 2005
60. Power to issue or renew a prize gaming permit	Section 289 and Schedule 14 of the Gambling Act 2005
61. Power to issue or renew a family entertainment centre gaming machine permit	Section 247 and Paragraphs 8 and 18 of Schedule 10 of the Gambling Act 2005
62. Power to enter premises (various)	Sections 304(2) and (3), 307, 309, 310, 311, 312(4), 313, 314, 315 of the Gambling Act 2005
63. Registration of small society lotteries	Section 258 and Part 4 Paragraphs 38 and Part 5 of Schedule 11 of the Gambling Act 2005
64. Refusal to register a small society lottery	Section 258 and Part 5 Paragraph 47 of Schedule 11 of the Gambling Act 2005
65. Revocation of registration of a small society lottery	Section 258 and Part 5 Paragraph 50 of Schedule 11 of the Gambling Act 2005
66. Power to resolve not to issue a casino premises licence.	Section 166 of the Gambling Act 2005.
67. Duty to comply with requirement to provide information to the Gambling Commission.	Section 29 of the Gambling Act 2005.
68. Functions relating to exchange of information.	Section 30 of the Gambling Act 2005.
69. Functions relating to occasional use notices.	Section 39 of the Gambling Act 2005.
70. Power to designate officer of a	Section 304 of the Gambling Act 2005.

Licensing authority as an authorised person for a purpose relating to premises.	
71. Power to institute criminal proceedings.	Section 346 of the Gambling Act 2005.
72. Power to exchange information.	Section 350 of the Gambling Act 2005.
73. Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licences Fees) (England and Wales) Regulations 2007. S.I. 2007/479
<p>74. S.I. 2008 No. 2787 [Bucks CC Function]</p> <p>Function relating to the registration of Common Land and town and village greens.</p>	Part of the Commons Act 2006 and the Commons and Registration (England) Regulations 2008. S.I. 2008/1961.
<p>C. Functions relating to health and safety at work</p>	
<p>Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer.</p>	Part I of the Health and Safety at Work etc. Act 1974.

1.3.2 For the avoidance of doubt, in relation to the grant or issue by the Committee of any approval consent, licence, permission or registration, the exercise of the responsibilities for the above functions includes responsibility for :-

- 1) the imposition or amendment, modification or variation of any term, condition, limitation or restriction; or
- 2) the decision to take enforcement or other action in respect of a breach of any term, condition, limitation or restriction ;or
- 3) the decision to revoke, vary or modify any approval, consent, licence, permission or registration.
- 4) Where permissible by law, the decision to impose a charge and the amount of any such charge.

- 5) Following consultation with the Cabinet [Member for Support Services](#) - to determine the fees and charges in respect of hackney carriages and private hire vehicles including consideration of any representations thereon or objections thereto.

[1.3.4 To exercise the Council's responsibilities for the functions relating to licensing and registration and specifically the power to make orders restricting the consumption of alcohol in a public place and to make closing orders with respect to take-away food premises as specified in part I \(Miscellaneous Functions\) Schedule 1 of the 2000 Regulations.](#)

[1.3.5 To exercise the functions under the Gambling Act 2005 not covered by the 2000 Regulations including those functions under Part 8 of the Gambling Act 2005 except the adoption of the Section 349 Gambling Act 2005 Policy Statement and the passing of a resolution not to issue a casino premises licence \(such adoption and resolution to be made by Full Council - S154 of the Gambling Act 2005\)](#)

[1.3.6 To establish a standing Sub Committee to be known as the Licensing Sub-Committee to consider and determine any applications or matter that by law or in accordance with the Council's adopted policy or this Constitution requires a hearing to be conducted.](#)

1.4 Delegations

All the functions identified in the above Table are delegated to the Committee other than the making or confirmation of by-laws, the promotion of a local act or any other matter reserved to a named Officer or full Council by law or the terms of this Constitution.

1.5 Notes

[1.5.1 Any delegations to Officers are contained in the Scheme of Delegations to Officers set out in Section B of Part 7 of this Constitution.](#)

~~1.5.2 The Committee agreed to establish a Standing Sub-Committee to be known as the Taxi & Private Hire Sub-Committee to conduct hearings in relation to the suspension or revocation of hackney carriage and private hire operators, drivers and vehicle licences. (Licensing & Regulation Minutes 32/2004 and 36/2004 refers). The appointment of Members to the Taxi & Private Hire Sub-Committee is the responsibility of the Licensing & Regulation Committee. (Constitution Review 12.02.08, Council 26.02.08).~~

~~1.5.3 The Licensing and Regulation Committee shall meet immediately after the Annual Council for the purpose of establishing and making appointments to its Sub-Committee/s. Note — superceded by 1.5.4.~~

~~1.5.4 The Constitution of the Taxi and Private Hire Sub Committee were changed on 6.10.09 Constitution Review, 22.10.09 Licensing and Regulation, 8.12.09 Council.~~

~~**NOTE** 1.5.3 superceded with effect from May 2010 from then floating membership of 3 members members appointed for a single meeting/hearing only same as Licensing Sub Committee.~~

~~1.5.5 Restriction on membership of sub committees Licensing & Regulation 4.12.09 Council 23.2.10 re attendance at annual training.~~

LICENSING SUB-COMMITTEE

2.1 General

A Sub-Committee of the Licensing & Regulation Committee established to conduct hearings and make determinations in respect of the Council's licensing functions. -:

- ~~— under the Licensing Act 2003 and~~
- ~~— under the Gambling Act 2005~~
- ~~— in relation to the licensing of Hackney Carriage and Private Hire Drivers, Vehicles and Operators and related enforcement matters.~~
- ~~— In relation to the Classification of Films~~
- ~~— In relation to the licensing of Sex Establishments and~~
- ~~— In relation to the licensing of Street Trading~~

2.2 Membership, Chairmanship and Quorum

Number of Members	Three Members
Substitute Members Permitted	No Yes
Political Balance Rules apply	No
Appointments/Removals from Office	By the <u>Democratic and Electoral Services Manager subject to member availability</u> Chief Executive in accordance with delegated powers
Restrictions on Membership	1. Only Members of the Licensing & Regulation Committee are eligible 2. The undertaking of the required annual training is a pre-requisite to membership of/participation on this sub-committee. <u>Licensing and Regulation 04.12.09, Council 23.02.10, Constitution Review 25.2.10.</u>
Restrictions on Chairmanship	None
Quorum	Three
Number of <u>ordinary Hearings and meetings per Council Year</u>	Hearings and Meetings will be called as required

2.3 Terms of Reference

~~2.3.1.~~ 2.3.1 To conduct hearings and make determinations determine the following under or in respect of the following legislation and functions applications under the Licensing Act 2003 (as amended) and as required by law or in circumstances where the Head of Healthy Communities is unable or unwilling to make a decision under the terms of the Scheme of Delegations to Officers. except in the circumstances mentioned in paragraph: 2.3.2 below:-

~~2.3.2.~~ 2.3.1 Licensing Act 2003

~~2.3.1. 2.3.2 Gambling Act 2005~~

~~2.3.2. 2.3.3 licensing of Hackney Carriage and Private Hire Drivers, Vehicles and Operators and related enforcement matters~~

~~2.3.4 Classification of films~~

~~2.3.5 licensing of Sex establishments~~

~~2.3.6 licensing of Street Trading~~

~~2.3.7 such other matters as the Sub-Committee may be required to determine by law or in connection with the discharge of any of the matters referred to in these Terms of Reference~~

~~2.3.3. Applications for a premises licence or club premises certificate;~~

~~2.3.4.~~

~~2.3.5. Applications for a provisional statement;~~

~~2.3.6.~~

~~2.3.7. Applications to vary a premises licence or club premises certificate;~~

~~2.3.8.~~

~~2.3.9. Applications for a review of a premises licence or club premises certificate.~~

~~2.3.10.~~

~~2.3.11. 2.3.3. NB — October 2009 — Additional powers re granting, renewal and variations of licences with Alternative Licence Conditions (Section 25A) where representations have been made and Section 41D and reviews of licences held by Management Companies or include an Alternative Licence Condition— Section 51.~~

~~2.3.2 The circumstances mentioned in paragraph 2.3.1 above are~~

- ~~1) No relevant representations have been made; or~~
- ~~2) Relevant representations have been made but have been withdrawn prior to the date of the hearing; or~~
- ~~3) Relevant representations have been made by one or more responsible authorities/interested parties and the applicant and all the persons making relevant representations have reached agreement on the impositions of conditions that overcome the objections raised in the representations and have agreed that a hearing can be dispensed with.~~

~~2.3.3 To hear and determine the following applications under the Licensing Act 2003 where police objections have been made:-~~

- ~~1) Applications to vary a premises licence to specify an individual as a designated premises supervisor;~~
- ~~2) Applications for a transfer of a premise licence;~~
- ~~3) Applications for the grant or renewal of a personal licence where the applicant has unspent relevant criminal convictions.~~

~~2.3.4. To hear and determine police objections to an interim authority notice or a temporary event notice.~~

Formatted: Normal, Indent: Left: 1.27 cm, No bullets or numbering, No widow/orphan control

- 2.3.5 To hear and determine the following applications under the Gambling Act 2005 where representations have been made by a responsible authority or interested party and have not been withdrawn prior to the date of the hearing:-
- 1) ~~Applications for the grant, variation or transfer of a casino premises licence, bingo premises licence, adult entertainment centre licence, family entertainment centre licence or betting premises licence;~~
 - 2) ~~Applications for a provisional statement;~~
- 2.3.6 ~~To hear and determine applications under the Gambling Act 2005 for the review of a casino premises licence, bingo premises licence, adult entertainment centre licence, family entertainment centre licence or betting premises licence~~
- 2.3.7 ~~To hear and determine objections to a temporary use notice by the Gambling Commission, Police or Revenues and Customs;~~
- 2.3.8 ~~To hear and determine objections to the grant or renewal of a club gaming permit or club machine permit by the Gambling Commission or Police;~~
- 2.3.9 ~~To hear and determine an application for the grant of a club gaming permit or club machine permit if:~~
- 1) ~~the applicant holds a club premises licence pursuant to the Licensing Act 2003; and~~
 - 2) ~~the Head of Health & Housing has declined to grant the application under delegated powers;~~
- 2.3.10 ~~To hear and determine an application for the variation of a club gaming permit or club machine permit if the Head of Health & Housing has declined to grant the application under delegated powers;~~
- 2.3.11 ~~Where the Head of Health & Housing under delegated powers has given notice of intention to cancel a club gaming permit or club machine permit and the permit holder has requested a hearing, to hold a hearing to determine the matter;~~
- 2.3.12 ~~Where the Head of Health & Housing under delegated powers has given notice of intention to cancel or vary a licensed premises gaming machine permit and the permit holder has requested a hearing, to hold a hearing to determine the matter;~~
- 2.3.13 ~~To hear and determine such other matters as the Sub-Committee may be required to determine by law or in connection with the discharge of any of the matter referred to in these Terms of Reference.~~
- 2.3.14 To determine whether any representations made by interested persons making relevant representations parties under the Licensing Act 2003 are

frivolous or vexatious – MAKE THIS A DELGATION TO MARTIN HOLT?.

2.3.2 To hear and determine applications under the Gambling Act 2005 (as amended) and as required by law or in circumstances where the Head of Healthy Communities is unable or unwilling to make a decision under the terms of the Scheme of Delegations to Officers

2.3.3 To conduct hearings and make determinations in relation to the licensing of Hackney Carriage and Private Hire Drivers, Vehicles and Operators and related enforcement matters as required by law or in circumstances where the Head of Healthy Communities is unable or unwilling to make a decision under the terms of the Scheme of Delegations to Officers.

2.3.4 To conduct hearings and make determinations in relation to the classification of films as required by law or in circumstances where the Head of Healthy Communities is unable or unwilling to make a decision under the terms of the Scheme of Delegations to Officers.

2.3.5 To conduct hearings and make determinations in relation to applications regarding sex establishments as required by law or in circumstances where the Head of Healthy Communities is unable or unwilling to make a decision under the terms of the Scheme of Delegations to Officers

2.3.6 To conduct hearings and make determinations in relation to applications regarding street trading as required by law or in accordance with the Council's Street Trading Policy or in circumstances where the Head of Healthy Communities is unable or unwilling to make a decision under the terms of the Scheme of Delegations to Officers.

NB this is a change to the Street Trading Policy which refers to L&R Ctee to determine apps in certain circs.

2.3.7 To hear and determine such other matters as the Sub-Committee may be required to determine by law or in connection with the discharge of any of the matters referred to in these Terms of Reference.

2.4 Delegations

Decisions on all matters falling within these Terms of Reference.

2.5 Notes

~~2.5.1 The Democratic & Electoral Services Manager is authorised to constitute the Licensing Sub-Committee from the membership of the Licensing & Regulation Committee having regard to member availability, together with a standby in case a member of the Sub-Committee is unable to participate or continue for any reason. The power to appoint Members to the Sub-Committee has been delegated by the Licensing & Regulation Committee to the Chief Executive (Licensing & Regulation Minute 32/2004 refers).~~

2.5.2. Members are appointed for a single meeting/hearing only.

~~2.5.3. To maintain a quorum, limited substitution by members of the full Licensing Committee is permitted. The Chief Executive provisionally appoints a fourth Member who will only take up the appointment if another member of the Sub-Committee is unable to participate or continue for any reason.~~

~~2.5.4 The Terms of Reference of this Sub-Committee were amended Licensing and Regulation Committee 04.12.09 and Council 23.02.10 and Constitution Review 25.2.10 to make the undertaking of the required annual training a pre-requisite to membership/participation on this Sub-Committee.~~

~~2.5.5 New delegations granted by Licensing and Regulation Committee 22.10.09 to Head of Healthy Communities Health and Housing and Licensing~~