

## NOTICE OF MEETING

# SPECIAL REGULATORY COMMITTEE

**Friday, 2nd October, 2020, 10.00 am - MS Teams ([watch it here](#))**

**Members:** Councillors Sarah Williams (Chair), Gina Adamou (Vice-Chair), Dhiren Basu, John Bevan, Mike Hakata, Luke Cawley-Harrison, Justin Hinchcliffe, Peter Mitchell, Reg Rice, Viv Ross, Yvonne Say, Preston Tabois and Noah Tucker

*\*Membership to be confirmed at the Council's AGM on 1 October 2020*

Quorum: 4

### **1. FILMING AT MEETINGS**

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the 'meeting room', you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

### **2. APOLOGIES FOR ABSENCE**

### **3. URGENT BUSINESS**

It being a special meeting of the Regulatory Committee, under Part 4(B), paragraph 17 of the Council's Constitution, no other business shall be considered at the meeting.

### **4. DECLARATIONS OF INTEREST**

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

**5. ESTABLISHMENT OF PLANNING AND LICENSING SUB COMMITTEES 2020/21 (PAGES 1 - 18)**

To establish the Regulatory Committee sub bodies for the new Municipal Year.

*Note – appendix 2 will be to follow*

**6. DATES OF FUTURE MEETINGS**

5 October 2020

Emma Perry, Principal Committee Co-ordinator  
Tel – 020 8489 3427  
Fax – 020 8881 5218  
Email: emma.perry@haringey.gov.uk

Bernie Ryan  
Assistant Director – Corporate Governance and Monitoring Officer  
River Park House, 225 High Road, Wood Green, N22 8HQ

Thursday, 24 September 2020

**Report for:** Regulatory Committee 2 October 2020

**Title:** Establishment of Planning and Licensing Sub-Committees 2020/21

**Report**

**authorised by :** Ayshe Simsek, Democratic Services and Scrutiny Manager  
[ayshe.simsek@haringey.gov.uk](mailto:ayshe.simsek@haringey.gov.uk) 020 8489 2929

**Lead Officer:** Felicity Foley, Committees Manager  
[Felicity.foley@haringey.gov.uk](mailto:Felicity.foley@haringey.gov.uk) 020 8489 2919

**Ward(s) affected:** All

**1. Describe the issue under consideration**

1.1 To establish for the 2020/21 Municipal Year a) Planning Sub-Committee to conduct town planning and miscellaneous functions and b) two Licensing Sub-Committees to conduct both the statutory and non-statutory licensing functions of the Council as set out in Part Three, Section B of the Council's Constitution which is attached as Appendix 3 to this report. Members are also asked to note the provisions for the appointment of substitutes.

**2. Cabinet Member Introduction**

Not applicable.

**3. Recommendations**

Members are asked to:

3.1 Note the terms of reference of the Regulatory Committee as set out within the Council's Constitution attached as Appendix 1 and confirm the terms of reference of the Planning and Licensing Sub-Committees attached as Appendix 3 to this report.

3.2 Agree the establishment of a Planning Sub-Committee and two Licensing Sub-Committees with the memberships set out in Appendix 2 to this report.

3.3 Note the provisions in the Committee Procedure Rules, Part 4, Section B of the Constitution covering substitution arrangements for Committees and Sub-Committees. Additional delegations are made to the Democratic Services Manager (Part 3, Section E paragraph 1.5 of the Constitution), attached at Appendix 4ii to this report, for the appointment of a substitute Member for a Licensing Sub-Committee from among the Members of the Regulatory Committee when the permanent Sub-Committee Member is unable to attend for any reason.

3.4 Note that the Council Procedure Rules in Part 4 Section B of the Constitution do not apply to licensing hearings only in those areas where they conflict with the Local Licensing Procedure Rules and the relevant Acts and Regulations which take precedence.

**4. Reasons for decision**

4.1 To support the discharge of planning and licensing functions as set out within Part Three, Section B of the Council's constitution.

### **5. Alternative options considered**

Not applicable.

### **6. Background information**

#### Regulatory Committee

6.1 The Full Council appoints the membership of the Regulatory Committee including its Chair and Vice-Chair. By law there must be at least 10 but no more than 15 appointed Members.

6.2 The Council can determine the terms of reference of the Committee. These are currently set out in Part 3 Section B of the Council's Constitution and attached as Appendix 1 to this report. Members are invited to note the Committee's terms of reference.

#### Establishing the Licensing Sub-Committees

6.3 The Regulatory Committee may establish Licensing Sub-Committees to conduct hearings. Although the membership for these has been reported to Annual Council, legally it is the Regulatory Committee that fixes these Sub-Committees' membership and confirms their terms of reference. The suggested membership of the two Licensing Sub-Committees, as reported to Annual Council, is set out in Appendix 2 to this report (to follow).

6.4 In the last Municipal Year there were two Licensing Sub-Committees to deal with contested applications. It is anticipated that the volume of applications will continue for the foreseeable future. It is recommended that two Licensing Sub-Committees be appointed and this should be sufficient. The Council's own Local Licensing Procedure Rules set the quorum for hearings at 3 Members, since this promotes better decision-making.

6.5 On occasion, an appointed Member of a Licensing Sub-Committee cannot take part in the decision on a particular case, for example, due to a conflict of interest or if the premises in question is located in the Member's own Ward. In such cases, and any other case where a Member is unexpectedly absent or seriously late, it will be necessary to appoint a substitute Member often at short notice. Any such substitution will be made in accordance with the provisions of Part 4, Section B, of the Constitution. Substitute Members would always be trained Members, usually of the Regulatory Committee.

6.6 Members of the Committee are asked to note the terms of reference of the Licensing Sub-Committees. These are set out in Part 3, Section B of the Constitution and attached as Appendix 3 to this report. Reports on matters of general concern and decisions on general procedural issues will come to the Regulatory Committee.

6.7 While there is no requirement in law for the statutory licensing committee (or its sub-committees) to reflect political balance, historically this has been done as a matter of good governance.

Establishing the Planning Sub-Committee

- 6.8 The Regulatory Committee may establish a Planning Sub-Committee to exercise town planning and miscellaneous functions and fix its membership and confirm its terms of reference as set out in appendix 3. In line with the last Municipal Year, it is recommended that one Planning Sub-Committee be established.
- 6.9 The quorum for Planning Sub Committee meetings shall be in line with Part four section B of the Constitution in that no business shall be transacted unless a quarter of the whole number of voting Members are present.
7. **Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

The Chief Finance Officer confirms that there are no financial implications arising from the recommendations in this report.

**Comments of Assistant Director of Corporate Governance**

The Assistant Director of Corporate Governance has been consulted and approves the content of this report.

**Equalities and Community Cohesion Comments**

The Council has a public sector equality duty under S149 of the Equality Act 2010 to have due regard to need to:

- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- advance equality of opportunity between people who share those protected characteristics and people who do not;
- foster good relations between people who those characteristics and people who do not.

An initial screening of the proposals in this report has been completed and the proposals carry no implications for any aspect of the duty outlined above.

**8. Use of Appendices**

- 8.1 Appendix 1 - terms of reference of the Regulatory Committee
- 8.2 Appendix 2 - proposed membership of the Planning Sub Committee and two Licensing Sub-Committees (to follow)
- 8.3 Appendix 3 - terms of reference of the Planning and Licensing Sub-Committees
- 8.4 Appendix 4 - extracts from the Committee Procedure Rules and Scheme of Delegation to officers in respect of substitution arrangements.

**9. Local Government (Access to Information) Act 1985**

9.1 The following background papers were used in the preparation of this report:

(i) The Council's Constitution and (ii) Local Licensing Procedure rules.

# **Part Three, Section B**

## **Responsibility for functions: Full Council & Non-Executive Bodies**

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### **SECTION 2 – COMMITTEES**

The following shall be committees of the Council and they shall have the membership as described in the Appointments of Committees, Sub-Committees, Panels, etc (as approved by the Annual Meeting):

- 1. The Corporate Committee**
- 2. Combined Pensions Committee and Board**
- 3. Staffing and Remuneration Committee**
- 4. Overview and Scrutiny Committee**
- 5. Standards Committee**
- 6. Alexandra Palace and Park Board**
- 7. The Regulatory Committee**
- 8. The Health and Wellbeing Board**

#### **7. The Regulatory Committee**

The Regulatory Committee has functions either (1) as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as a non-statutory Committee exercising other non-executive functions relating to Licensing, Town Planning and other regulatory matters generally. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short announcement indicating whether the Committee is operating in its capacity as “statutory Licensing Committee” or as a “non-statutory Committee”.

#### **Membership**

The Regulatory Committee must have between 10 and 15 members in order to comply with the legislation as statutory Licensing Committee.

PART THREE – RESPONSIBILITY FOR FUNCTIONS  
Section B – Full Council & Non-Executive Bodies

Protocol

There is a Protocol outside this Constitution setting out how the Regulatory Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4 and the relevant Licensing Procedure Rules when the Committee is conducting a formal hearing. Any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

- (1) In its capacity as the statutory Licensing Committee the Committee has all the functions referred to it by law under the Licensing Act 2003 and the Gambling Act 2005. These include:
  - (a) To be responsible for monitoring the operation of the Acts licensable activities and gambling in the Borough;
  - (b) To establish the Licensing Sub-Committees and to agree the delegation of functions to the Sub-Committees and to officers;
  - (c) To receive reports on the matters in (a) above and on the functions delegated to the Licensing Sub-Committees and to officers. To call for a report on any individual case;
  - (d) To determine the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;
  - (e) Subject to Regulations, to determine the fees payable for applications for premises licences and related matters under the Gambling Act 2005;
  - (f) In a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those members of the Committee who are re-elected as councillors shall meet as the Committee (subject to there being a quorum of 3 members) in order to exercise any of the functions of the Licensing Sub-Committees, or of the Committee under (f) above, and shall elect a Chair for the meeting.
- (2) In its capacity as the non-statutory Committee exercising other non-executive functions the Committee has the following functions:
  - (a) Exercising the functions which are stated not to be the responsibility of The Executive/Cabinet In Regulation 2 and Schedule 1, Paragraph B (Licensing and Registration) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any Statute or subordinate



### PART THREE – RESPONSIBILITY FOR FUNCTIONS

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legislation further amending these Regulations. The Committee's functions are to determine all policy issues, procedures and standard terms and conditions relating to the non-executive licensing functions but exclude decisions in individual cases which are delegated to the Licensing Sub-Committees. The Sub-Committee's remit includes the licensing of street trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments;

- (b) Formulating, reviewing and approving for consultation the Statement of Licensing Policy under the Licensing Act 2003 and recommending it, and any revisions to it, to full Council for adoption;
- (c) Being consulted informally on the review and determination of the Statement of Gambling Policy, including procedures for Council consultation with external stakeholders, and making recommendations on these matters to the Cabinet;
- (d) Making informal recommendations to the Cabinet and full Council on local development documents, development plan documents, the local development framework, the statement of community involvement and any other planning policy matter;
- (e) Reviewing all Council plans and policies on any licensing, planning or regulatory matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;
- (f) Making informal recommendations to the Cabinet and other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to licensing, planning, conservation or regulatory issues.

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# Part Three, Section B

## Responsibility for functions: Full Council & Non-Executive Bodies

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### SECTION 3 - SUB-COMMITTEES AND PANELS

The following bodies shall be created as Sub-Committees of the relevant Committee of the Council under which they are listed. Bodies described as "Panels" are Sub-Committees unless otherwise stated. Sub-Committees shall report to their parent bodies and they shall have the membership as described in the Appointments of Non-Executive Committees, Sub-Committees, Panels, etc as approved by the Annual Meeting.

#### 4. Under The Regulatory Committee

##### 4.1 Licensing Sub-Committees

###### Introduction

The Licensing Sub-Committees have functions either (1) as Sub-Committees of the Regulatory Committee in its capacity as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as Sub-Committees of the Regulatory Committee in its capacity as a non-statutory Committee exercising non-executive licensing and regulatory functions. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short announcement indicating whether the Sub-Committee is operating in its capacity as "statutory Licensing Sub-Committee" or as a "non-statutory Sub-Committee".

###### Membership

The membership of each Sub-Committee shall be drawn from the Regulatory Committee. In the event that an appointed member or members of a Sub-Committee is unable or unwilling to take part in a hearing for any reason a Special Licensing Sub-Committee may be appointed from among the remaining members of The Regulatory Committee. When operating in its capacity as "statutory Licensing Sub-Committee" there must be a membership and quorum of 3 present at all times.

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(1) General Provisions Relating to the Statutory Licensing Sub-Committees

- (a) Licensing Sub-Committees have the power to make final decisions on behalf of the Council on matters within their terms of reference and there is no right of appeal to the Regulatory Committee;

Functions under both the Licensing Act 2003 and the Gambling Act 2005

- (b) To determine applications for premises licences where relevant representations have been made;
- (c) To determine applications for provisional statements where relevant representations have been made;
- (d) To determine valid applications for review of premises licences where relevant representations have been made;
- (e) To decide on any other matter where it is necessary or desirable for members to make that decision;

Functions under the Licensing Act 2003 alone

- (f) To determine applications for variations of premises licences where relevant representations have been made except in the case of minor variations;
- (g) To determine applications to vary designated premises supervisors following police objections;
- (h) To determine applications for transfer of premises licences following police objections;
- (i) To consider police objections made to interim authority notices;
- (j) To determine applications for club premises certificates where relevant representations have been made;
- (k) To determine applications to vary club premises certificates where relevant representations have been made except in the case of minor variations;
- (l) To determine valid applications for review of club premises certificates where relevant representations have been made;
- (m) To decide whether to give counter notices following police objections to temporary event notices;
- (n) To determine applications for grants of personal licences following police objections;

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- (o) To determine applications for renewals of personal licences following police objections;
- (p) To decide on revocation of personal licences where convictions come to light after grant;
- (pa) To determine the review of a premises license following a closure order where relevant representations have been made

Functions under the Gambling Act 2005 alone

- (q) To determine applications for variations of premises licences where relevant representations have been made;
- (r) To determine applications for transfers of premises licences following representations by the Gambling Commission or others;
- (s) To determine applications for the re-instatement of premises licences where relevant representations have been made;
- (t) To decide whether to give counter notices following objections to temporary use notices;
- (u) To determine applications for the grant or renewal of club gaming permits and club machine permits where valid objections have been received;
- (v) To determine proposals to cancel club gaming permits and club machine permits where the licence holder requests a hearing;
- (w) When the licence holder requests a hearing, to determine officer proposals: (i) to make an order removing the entitlement of an on-premises alcohol licence holder to have one or two gaming machines, or (ii) to cancel or vary a licensed premises gaming machine permit;
- (x) To determine applications for the grant or variation of licensed premises gaming machine permits for 5 or more machines or in any case where the Chair of the Regulatory Committee considers that there is cause for concern about the proper management of the premises;
- (2) General Provisions Relating to the Non-Statutory Licensing Sub-Committees
  - a) The Sub-Committees have all the functions which are stated not to be the responsibility of the Council's Executive/Cabinet in Regulation 2 and paragraph B (Licensing and Registration) of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S. I. 2853, as amended, or further amended, in any statute or subordinate legislation. The Sub-Committee's remit includes the licensing of street

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trading, scrap metal dealing, special treatment premises, sex establishments and dog breeding establishments.

- (b) The Sub-Committees make decisions in all individual licensing or registration cases where a hearing is required because of an objection to an application or to a proposed revocation or because of an officer recommendation for refusal.
- (c) The Sub-Committees have the power to make final decisions on behalf of the Council in relation to its functions in (b).
- (d) Excluded from the Sub-Committees' terms of reference are decisions on all policy issues, procedures and standard terms and conditions which are within the remit of The Regulatory Committee.

**4.2 Planning Sub-Committee**

There is a Protocol setting out how members of the Planning Sub-Committee will exercise those functions, including behaviour in relation to applicants, residents and other third parties, to ensure the probity of planning transactions and the highest standards expected in public office. This protocol is supplementary to the Members' Code of Conduct at Part 5 of the Constitution.

The Sub-Committee has all the functions which are set out below and which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations (references to paragraphs are to those in Schedule 1):

- (a) paragraph A - Town Planning Functions
  - (A) planning applications for the erection of 10 or more dwellings and where the officer recommendation is for approval;
  - (B) planning applications for changes of use of 1000 sq. metres or more of gross internal floor space and where the officer recommendation is for approval;
  - (C) planning applications for the erection, or extension of non-residential buildings where the new build is 1000 sq metres or more of gross internal floor space and where the officer recommendation is for approval;
  - (D) unless otherwise agreed with the Chair of the Planning Sub-Committee, planning applications either:
    - (i) for major development as defined by the Town and Country Planning (Development) Management Procedure (England) Order

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- 2015 (or any replacement legislation) and where the officer recommendation is for approval; or
- (ii) where a legal agreement relating to that development is required; or
  - (iii) where the recommended decision would be contrary to the development plan;
- (E) unless otherwise agreed with the Chair of the Planning Sub-Committee, applications submitted by, or on behalf of the Council;
- (F) planning applications on Council owned land, where the Council is not the applicant, where significant material planning objections are received during the consultation process and which the Director, in consultation with the Chair of the Planning Sub-Committee, determines should be subject to members' consideration;
- (G) planning applications submitted by or on behalf of members; or employees within the Planning Service or senior employees elsewhere in the Council; or their spouses, parents or children;
- (H) any planning application to amend an application or vary conditions or a legal agreement previously decided/imposed by Planning Sub-Committee and which the Director, in consultation with the Chair of the Planning Sub-Committee, considers to constitute a major or significant change;
- (I) any planning application where there have been objections from a single councillor of the Ward within which the application site is situated and/or a local community body and/or a local residents' association, and a written request setting out the planning reasons for the matter to be referred to the Planning Sub-Committee has been made before the expiry of the consultation period, and which the Director in consultation with the Chair of the Planning Sub-Committee considers should be referred to the Planning Sub-Committee for determination;
- (b) paragraph B - Power to amend;

For the avoidance of doubt, the Director is authorised after a Planning sub-committee determination to make any alterations, additions or deletions to the recommended heads of terms and/or recommended conditions (and to authorise any such changes requested by the GLA or government body) (and to further sub-delegate this power) provided this authority shall be exercised after consultation with the Chair (or in their absence the vice-Chair) of the sub-committee.

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# Part Four, Section B

## Committee Procedure Rules

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### COMMITTEE PROCEDURE RULES

#### VOTING

46. Unless the Constitution provides otherwise, any matter will be decided by a simple majority of those members present and voting in the room at the time the question was put. Voting shall be by a show of hands.
47. Immediately after the vote is taken, a member may require to be recorded in the minutes whether he/she voted for or against the decision or abstained.
48. In the case of an equality of votes, the Chair shall have a second or casting vote, unless the constitution of the body as approved by the Council provides otherwise.
49. Proposals carried are recorded as resolutions or recommendations. Proposals lost are not recorded, except as provided for in (2) above.

#### ATTENDANCE

50. Any member of the Council may attend the public part of all meetings whenever he/she wishes and, with the Chair's consent, may take part in the business of a meeting of which he/she is not a member but may not move a resolution nor vote. Before a member participates in or addresses a meeting under this rule, written notice should be given to the Chair, preferably before the meeting but in any event as soon as the member arrives at the meeting. Members of the Council are not required to complete any form used by the public to request permission to speak at a meeting.
51. With the Chair's consent, any member of the Council may attend the exempt part of meetings whenever he or she wishes and may take part in the business of a meeting of which he or she is not a member but may not move a resolution nor vote. No member, other than the appointed members of the bodies concerned, may attend certain meetings affecting specific individuals, such as Appointments Panels, hearings and appeals where this is prevented in the Constitution or procedure rules of the body or where advised by the Monitoring Officer.

PART FOUR – RULES OF PROCEDURE  
Section B – Committee Procedure Rules

52. Apart from at full Council, where every member shall sign his/her name on the attendance sheet, attendance of members at committees will be recorded by the Democratic Services staff.
53. Where a member is proposing to be absent for any reason from a meeting of a particular Committee/Sub-Committee to which they have been appointed they may give notice to arrange for a substitute member in their place. The Chief Whip of a political group may give this notice in place of any member from that group who will be absent.
54. Notice under rule 53 must be given in writing, including e-mail, to the Democratic Services Manager by 10.00 a.m. on the day of the meeting if the meeting commences at 6.00 p.m. or later. Where the meeting commences before 6.00 p.m., the notice must be given by 10.00 a.m. on the previous working day before the meeting.
55. On receipt of notice under rule 53 above, the Democratic Services Manager will notify the Chief Whip for the political group of the member who will be absent. The Chief Whip will make arrangements for the attendance of a substitute member from the list of reserve members for that Committee/Sub-Committee nominated by the group. Where none of the listed reserve members for the relevant Committee/Sub-Committee is available, or where no reserve members have been nominated, then the Chief Whip may select any other member of the group. The provisions of this rule are subject to rule 58 below.
56. The name of the member selected to act as the substitute must be notified in writing, including e-mail, by the Chief Whip to the Democratic Services Manager no later than 3 hours before the time for commencement of the meeting stated on the agenda.
57. If the Chief Whip of a political group is absent or unable to act for any reason, then any action to be taken by the Chief Whip in this rule may be undertaken instead by the group's Assistant Whips, Group Secretary and Group Chair.
58. In the case of meetings of Committees/Sub-Committees where prior member training is required, only those members who have attended appropriate training can be selected as substitutes. Currently these bodies are the Standards Committee and its Sub-Committees, the Planning Sub-Committee, Dismissal Appeals Sub-Committee, and hearings conducted by the Licensing Committee and its Sub-Committees. Reserve members will be trained for the relevant body as soon as possible after their appointment.
59. Substitutes properly appointed will be recorded in the minutes and shall carry full voting and other rights and responsibilities. Rule 53 does not apply so as to allow substitution at meetings of the Cabinet or its Committees or its subordinate bodies.

## PART THREE – RESPONSIBILITY FOR FUNCTIONS

## Section E – Scheme of Delegation – Section 4 Proper Officer and Specified Officer Functions

**Section 4 PROPER OFFICER AND SPECIFIED OFFICER FUNCTIONS****4. Democratic Services Manager**

The Democratic Services Manager is appointed Proper Officer in relation to:

<b>Local Government Act 1972</b>	
S100 B, D	All references to proper officer in relation to admission of public and press to meetings; compiling list of background papers for reports and make copies available for public inspection
S225	Receiving and custody of documents
S229(5)	Certification of photographic copies of documents
S248	Officer keeping the roll of Freemen
Schedule 14 Para 25	Certification of Resolution concerning the Public Health Acts 1875-1925
<b>Local Government (Miscellaneous Provisions) Act 1976</b>	
S41	Certification of Minutes, resolutions, orders and reports of the Council
<b>Local Government (Committees and Political Groups) Regulations 1990</b>	
Regulation 8	To receive notice of the composition of political groups
<b>Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012</b>	
Regulation 7, 10, 12, 13, 14, 15,	Access to agenda and reports for meetings which is likely to be a private meeting Notices and publication in relation to key decisions to be taken under general exception Ensure record of every Executive decision Ensure record of every executive decision made by an individual Ensure records of all executive decisions are open to inspection after the meeting/decision is made Ensure all background papers listed on reports are available for public inspection
<b>Local Authorities (Referendums) (Petitions) (England) Regulations 2011</b>	
Regulation 4, 5, 7, 8, 11, 13, 14	To publish the verification number each year, manage petitions submitted after a referendum is called, amalgamation of petitions, manage statutory procedure for petitions, publicise petitions
<b>Local Authorities (Standing Orders) (England) Regulations 2001</b>	
(Sched. 1 part 2)	To receive from Staffing and Remuneration Committee the recommendation to Council for the appoint of X individual as CE, and/or the intention to

PART THREE – RESPONSIBILITY FOR FUNCTIONS

Section E – Scheme of Delegation – Section 4 Proper Officer and Specified Officer Functions

	appoint X individual as the MO/CFO/Directors in order to notify members of the Cabinet and receive any objections
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In addition to the proper officer functions listed above, the Democratic Services Manager is empowered:

- (a) To determine the appointment of outside members to the “pool” from which the membership of School Admissions Appeals Panels and School Exclusions Appeals Panels are drawn;
- (b) To determine the membership of individual Appeals Panels (under (a) above) and the selection of Chairs of these Panels;
- (c) To make appointments of representative School Governors as notified by the Cabinet Member for Children or the Opposition Spokesperson, as appropriate;
- (d) To make appointments to vacancies on the Standing Advisory Council on Religious Education and Conference Committees;
- (e) To make appointments to the membership of Special Licensing Sub-Committees from among the members of the Regulatory Committee;
- (f) To appoint an additional member or members to any scheduled meeting of a Licensing Sub-Committee from among the members of the Regulatory Committee whenever the appointment of a substitute member under the Committee Procedure Rules (Part 4, Section B) would be impracticable and the meeting would otherwise be inquorate;
- (g) The exercise of the delegated powers in (j) and (k) above shall be, so far as practicable, in consultation with the Chair of the Regulatory Committee and the Chief Whip of each Group and with a view to achieving political balance in the membership of Licensing Sub-Committees.
- (h) To appoint the membership of Assessment Sub-Committees, and Hearing Sub-Committees in accordance with the arrangements for dealing with allegations that a member or co-opted member has failed to comply with the Members’ Code of Conduct and the decisions of the Standards Committee and in consultation with the Chair of the Standards Committee and the Monitoring Officer.

5.