

 <b>REGULATORY COMMITTEE</b> <b>21 DECEMBER 2009</b>		<b>Agenda Item No.</b>
<b>Title</b>	<b>Regulatory Committee Procedure and Job Role</b>	
<b>For further information about this report please contact</b>	Graham Leach Senior Committee Services Officer 01926 456114 or <a href="mailto:graham.leach@warwickdc.gov.uk">graham.leach@warwickdc.gov.uk</a>	
<b>Service Area</b>	Members' Services	
<b>Wards of the District directly affected</b>	None	
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006</b>	No	
<b>Date and meeting when issue was last considered and relevant minute number</b>	N/A	
<b>Background Papers</b>		

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No

<b>Officer/Councillor Approval</b>		
With regard to officer approval all reports <u>must</u> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	7/12/2009	Bill Hunt
Chief Executive	3/12/2009	Chris Elliott
CMT		
Section 151 Officer		
Legal	8/12/2009 2/12/2009	Max Howarth John Gregory
Finance	3/12/2009	Marcus Miskinis
Portfolio Holder(s)	8/12/2009 7/12/2009	Councillor Kirton Councillor M Doody
<b>Consultation Undertaken</b>		
Councillor Mrs A Mellor – Committee Chairman – 2/12/2009 Councillor J Falp – Committee Vice-Chairman – 2/12/2009 Councillor B Crowther – Labour Group spokesperson on the Committee – 4/12/2009 Councillor Mrs E Goode – Liberal Democrat Group spokesperson on the Committee – 2/12/2009 David Davies – Licensing Services Manager 2/12/2009 Robert Inman Monitoring Officer – 2/12/009		
<b>Final Decision?</b>	Yes	

## **1. SUMMARY**

- 1.1 This report brings forward procedures and a job role for Committee members to aid with the development of Committee and to provide guidance to any party attending a meeting of the Committee.

## **2. RECOMMENDATION**

- 2.1 That appendices A and B are adopted by the Committee.

## **3. REASONS FOR THE RECOMMENDATION**

- 3.1 At present there is a review of the Council's Constitution being undertaken, part of which is to enable Committees to develop procedures for their meetings to sit outside the Constitution as appendices. This report is part of that work.
- 3.2 The job role builds upon the good practice of the Standards Committee Council in line with the recommendations of the Annual Governance Statement of the Council, to define job roles for each Committee to enable all parties to understand what is expected of them. It is envisaged that by December 2010 all Committees will have defined job roles. To date there are general adopted roles for being a Councillor and the Standards Committee. It is envisaged that the Planning Committee will adopt their updated job role during December 2009
- 3.3 The job roles are designed to enables new Councillors coming on to a Committee to look at the work of the Committee and its responsibilities in one place in an easy to read document.

## **4. ALTERNATIVE OPTION CONSIDERED**

- 4.1 No alternative options have been considered as this is considered best practice.

## **5. BUDGETARY FRAMEWORK**

- 5.1 There are no budgetary implications of this report.

## **6. POLICY FRAMEWORK**

- 6.1 This report brings forward proposals to aid with the development of good governance within the Council.

## **Regulatory Committee Procedures & Job Role**

The Regulatory Committee has a very important and sometimes challenging role to play in the democratic process within Warwick District.

These procedures are designed to assist all parties as a step by step process for the more complicated processes that the Committee undertakes.

### **Prior to the meeting**

The Licensing Services Manager will inform the appropriate members of the public about the date of the meeting and whether or not their attendance is required.

At least 5 clear days before the meeting, the Committee Services Officer (CSO) will publish an agenda and the Licensing Services Manager will send the agenda to any members of the public, who are the subject of the reports

The Committee Services Officer will organise a Chairman's briefing meeting to take place with the Legal Officer, CSO, reporting officers, Chair and Vice Chair to clarify the procedure for the meeting and identify any concerns the Councillors have on the details of the reports

The Licensing Officer will provide the CSO with a list of the members of the public who have been invited to attend.

Fifteen minutes before the start of the meeting, any member of the public who has been invited to attend the meeting with regard to a report must register with the CSO.

When parties are invited to attend the Regulatory Committee, they will be advised that they are required to register with the CSO and will be sent a copy of this procedure, highlighting which sections are relevant to them.

All parties attending the Committee meeting will be invited into the meeting room and will remain there until the press and public are excluded by resolution of the Committee to consider the remaining confidential items on the agenda. For these confidential items, only the parties relevant to that matter will be invited into the meeting room by the Committee Services Officer.

**Start of a meeting**

The Chairman will welcome everyone to the meeting and explain that, apart from the deliberation of the Committee, the meeting will be video and audio recorded	
The Chairman will announce the emergency procedure	
The Chairman will deal with apologies for absence and substitutes	
The Chairman will introduce members of the Committee and officers who are present	
Declarations of interest	
Exclusion of press and public if necessary	

**Complaint about a driver**

All relevant parties to the case are brought into the meeting	
Chairman asks that all parties have received the procedure for this meeting and checks that everyone has understood it.	
Licensing Services outline their report, complaint, and relevant aspects of the policy	
Questions of accuracy of the report by witnesses, driver and Committee	
Witnesses confirm their statements	
Committee and Driver ask questions of witnesses, through the Chairman	
Driver presents recollection of events	
Committee ask questions of the driver	
The driver is given the opportunity for a brief final word/summation	
The Committee ask all parties (except Committee Services Officer and the legal officer) to leave the room whilst the members deliberate and make their decisions. Recording will cease.	
The Committee will take a decision based on the information presented to them, relevant policies and legislation and provide the reason for this decision	
All relevant parties will be invited back into the room, recording re-started and the decision announced	

**Application for a license where the applicant has relevant convictions**

All relevant parties to the case are brought into the meeting	
Chairman asks that all parties have received the procedure for this meeting and checks that everyone has understood it.	
Licensing circulate copies of CRB report where applicable	
Licensing Services outline report and relevant aspects of the policy	
Questions of accuracy of the report by applicant and Committee	
Applicant presents case and explains why the Committee should, in the light of the Council's guidance, regard them as a fit and proper person to hold a licence.	
Committee ask questions of the applicant	
The applicant is given the opportunity for a brief final word/summation	
The Committee ask all parties (except Committee Services Officer and the legal officer) to leave the room whilst the members deliberate and make their decisions. Recording will cease	
The Committee will take a decision, as to if the applicant is a fit and proper person and if their application should be allowed to proceed, based on the information presented to them, relevant policies and legislation and providing the reason for this decision	

## **APPENDIX A**

All relevant parties will be invited back into the room, recording re-started and the decision announced	
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### **Application for a street trading consent**

All relevant parties to the case are brought into the meeting	
Chairman asks that all parties have received the procedure for this meeting and checks that everyone has understood it.	
Licensing Services outline their report and relevant aspects of the street trading consent policy	
Questions of accuracy of the report by applicant and Committee	
Applicant presents case, explains why the Committee should issue a licence	
Committee ask questions of the applicant	
Objectors outline their representation against the application	
Committee asks questions of the objectors through the Chairman	
Applicant asks questions of the objectors through the Chairman	
The applicant is given the opportunity for a brief final word/summation	
The Committee ask all parties (except Committee Services Officer and the legal officer) to leave the room whilst the members deliberate and make their decisions. Recording will cease	
The Committee will take a decision based on the information presented to them, relevant policies and legislation and providing the reason for this decision	
All relevant parties will be invited back into the room, recording re started and the decision announced	

### **Application for a street or house to house collection when Spokesperson(s) of the Committee have asked for it to be referred to the Committee**

All relevant parties to the case are brought into the meeting	
Chairman asks that all parties have received the procedure for this meeting and checks that everyone has understood it.	
Licensing Services outline their report	
Questions of accuracy of the report by applicant and Committee	
Applicant presents case, explains why the Committee should issue a permit	
Committee ask questions of the applicant	
Objectors (if any) outline their representation against the application	
Committee asks questions of the objectors through the Chairman	
Applicant asks questions of the objectors through the Chairman	
The applicant is given the opportunity for a brief final word/summation	
The Committee ask all parties (except Committee Services Officer and the legal officer) to leave the room whilst the members deliberate and make their decisions. Recording will cease	
The Committee will take a decision based on the information presented to them, relevant policies and legislation and providing the reason for this decision	
All relevant parties will be invited back into the room, recording re started and the decision announced	

## **Regulatory Committee Job Role**

### **Responsibility of the Committee**

To exercise delegated powers in respect of:

- i. All matters relating to licences consents and registrations except the setting of fees.
- ii. All matters relating to public footpaths and bridle ways.
- iii. All matters relating to elections and electoral registration.
- iv. All the powers and duties of the Council relating to Parliamentary Elections and Boundary Reviews.
- v. Functions relating to name and status of areas and individuals:-
  - (a) power to change the name of the district
  - (b) power to change the name of the parish
  - (c) power to confer title of honorary alderman or to admit to be an honorary freeman
  - (d) power to petition for a charter to confer borough status
- vi. Promoting or opposing local or personal Bills
- vii. All powers and duties of the Council relating to the control of the consumption of alcohol in public places under the Criminal Justice and Police Act 2001.
- viii. All matters relating to making Orders under the Criminal Justice and Police Act 2002.

### **Responsibility of the Chairman**

An effective Chairman will ensure that the business of the meeting is completed whilst allowing a fair and balanced debate and any professional officer advice to be taken into account. The Chairman may summarise the points put to the Committee, and will ensure that the meeting is run correctly from a procedural point of view. They will also ensure that the decisions made, along with the reasons for these, are accurately recorded.

The Chairman is responsible for keeping order and adjourning meetings where necessary. They should also have a good level of assertiveness. It is also the Chairman's responsibility to ensure that members of the public and press leave the meeting when a private report is being considered.

The Chairman will be responsible for agreeing the date for any additional meetings, and to the cancellation of meetings.

In addition to attending the Committee, the Chairman will be required to attend a pre meeting briefing on the agenda. This will be arranged by the Committee Services Officer, at the mutual convenience of the Chairman the Legal Officer, Committee Services Officer, and reporting officers, to run through procedure for the meeting and any concerns they have on details of cases. The Vice-Chairman will also normally be invited and expected to attend these meetings.

The Vice Chairman of the Committee will be responsible for deputising for the Chairman of the Committee in their absence.

**Responsibility of Spokespersons**

While the Committee is essentially non political each party on the Committee will have appointed a spokesperson. They will be consulted on all street and house to house collections and deciding if they should go ahead or if the matter should be referred to the Committee for determination.

When a spokesperson asks for an application to be referred to the Committee for consideration, the Councillor who refers it will only be required to inform Licensing Services that either it can proceed or it should be referred to Committee for consideration, without giving reason.

At the meeting when it is considered the spokesperson(s) who referred it to Committee should declare that either

- (a) they have come to the meeting with an open mind and willing to consider all information placed before them at the meeting before determining the application; or
- (b) they have already formed a view on this matter and expressed this publicly therefore they will outline their concerns about the application before withdrawing from the meeting.

**Responsibility of All Committee Members Generally**

To abide by the relevant procedures and codes of conduct appropriate for the meeting.

To ask questions through the Chairman whilst avoiding any expression of their own views or conclusions at this stage.

To take decisions based on the information presented to them after adding due weight to that information. For example it will often be the case that less weight will be attached to hearsay evidence than to direct oral evidence, although both are admissible before the committee.

To make a decision in a fair, honest and open manner in accordance with relevant legislation, policies and guidance.

To give reasons for decisions based on relevant legislation, policies and guidance.

**Recording of meetings**

As agreed by the Committee in May 2009, all meetings of the Committee are recorded both audio and video (including confidential reports but excluding the deliberation by the Committee on a decision)

The recordings are kept for 12 months after the date of the meeting or longer if there are ongoing legal matters being considered with regard to the recording.

## **APPENDIX B**

The recordings are retained by Committee Services and are available for use in the following circumstances only:

- For use at any appeal to arising from this Committee's decision by either the council or the person making the appeal.
- For use in the investigation of either a corporate complaint or allegation of a breach of the code of conduct by an officer authorised to conduct such enquiries.
- Data Protection and Freedom of Information Requests.

### **Seating arrangement for the Committee December 2009**

Below is an indicative seating plan for the aid of members of the public attending the meeting. It should be noted that from time to time some members of the Committee are unable to attend and normally another Councillors will substitute for them.

		Legal Officer	Committee Chairman Councillor Mrs Mellor	Committee Services Officer		
Licensing Officers	Committee Members	Councillor Mrs Gallagher		Vice Chairman Councillor Mrs Falp	Committee Members	
		Councillor Mrs Grainger		Councillor Crowther		
		Councillor Illingworth		Councillor Mrs Knight		
				Councillors Mrs Goode		
		Councillor Vincett		Councillor Harris		
		Licence Holder / Applicant		Witnesses		

**PUBLIC GALLERY**