



Notice is hereby given that the **ANNUAL MEETING** of the **COUNCIL OF THE BOROUGH OF GOSPORT** will be held in the **BALLROOM** of the **THORNGATE HALLS, BURY ROAD, GOSPORT** on **WEDNESDAY NEXT** the **EIGHTEENTH MAY 2016** at **11AM** AND **ALL MEMBERS OF THE COUNCIL ARE HEREBY SUMMONED TO ATTEND TO CONSIDER AND RESOLVE THE FOLLOWING BUSINESS –**

1. To receive apologies from Members for their inability to attend the Meeting.
2. Introduction of newly elected Councillors.
3. To elect from among the Councillors of the Borough a Mayor of the Borough of Gosport to serve for the Municipal Year 2016/2017.
4. The best thanks of the Council be accorded to the retiring Mayor and Mayoress for their services during the past Municipal Year.
5. To award Citizen of the Year to a person who has provided eminent services to the Borough.
6. Adjournment of Meeting

(Until 5pm on Thursday, 19 May 2016, at the Town Hall, Gosport).

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7. To confirm the Minutes of the Ordinary Meeting of the Council held on 23 March 2016 (copies herewith).
 8. To consider any Mayor's Communications including presentation of the Youth Award
 9. To receive Deputations in accordance with Standing Order No 3.5 and to answer Public Questions pursuant to Standing Order No 3.6, such questions to be answered orally during a time not exceeding 15 minutes.

(NOTE: Standing Order No 3.5 requires that notice of a Deputation should be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON MONDAY, 16 MAY 2016 and likewise Standing Order No 3.6 requires that notice of a Public Question should be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON MONDAY, 16 MAY 2016.

10. Questions (if any) Pursuant to Standing Order No 3.4

(NOTE: Members are reminded that Standing Order No 3.4 requires that Notice of Question pursuant to that Standing Order must be received by the Borough Solicitor NOT LATER THAN 12 O'CLOCK NOON ON TUESDAY, 17 MAY 2016).

11. To elect from among the Councillors of the Borough a Deputy Mayor of the Borough of Gosport to serve for the Municipal Year 2016/2017.
12. To receive the report of the Returning Officer on the Elections held on 5 May 2016.
13. Governance – Review of Responsibilities for Functions
14. Review of Council Boards and Committees and Determination of Allocation of Seats
- To consider the report of the Borough Solicitor and Deputy Chief Executive (copy herewith)
15. To appoint the Chairman of the Policy and Organisation Board pursuant to the Council's Standing Orders.
16. To appoint the Boards, Nominated Deputies for the Regulatory Board, and Standards and Governance Committee and Panels and Outside Bodies.

**IAN LYCETT
CHIEF EXECUTIVE**

**TOWN HALL
GOSPORT**

10 May 2016

FIRE PRECAUTIONS

(To be read from the Mayor if members of the public are present)

In the event of the fire alarm being activated, please leave the Council Chamber and Public Gallery immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.

This meeting may be filmed or otherwise recorded. By attending this meeting, you are consenting to any broadcast of your image and being recorded.

MEMBERS ARE REQUESTED TO NOTE THAT:

(1) IF THE COUNCIL WISHES TO CONTINUE ITS BUSINESS BEYOND 9.30PM THEN THE MAYOR MUST MOVE SUCH A PROPOSITION IN ACCORDANCE WITH STANDING ORDER 4.11.18

(2) MOBILE PHONES SHOULD BE SWITCHED OFF OR SWITCHED TO SILENT FOR THE DURATION OF THE MEETING

AGENDA ITEM NO 12.

GOSPORT BOROUGH COUNCIL

RETURNING OFFICER'S REPORT ON BOROUGH COUNCIL ELECTIONS

5 MAY 2016

1. I have to report that, whereas the number of Candidates validly nominated in the election of Councillors for each of the Alverstoke, Anglesey, Bridgemary North, Bridgemary South, Brockhurst, Christchurch, Elson, Forton, Grange, Hardway, Lee East, Lee West, Leesland, Peel Common, Privett, Rowner and Holbrook and Town Wards of the Borough exceeded the number of Councillors to be elected for the respective Wards, a poll was taken on the 5th day of May 2016, and the votes cast for the respective Candidates at each such election were as follows:-

WARD	NAMES OF CANDIDATES	VOTES GIVEN FOR EACH CANDIDATE
ALVERSTOKE	Jonathan James EATON	333
	Mark William Paul HOOK	1016
ANGLESEY	Philip Iain RAFFAELLI	922
	David Langton WAITE	314
BRIDGEMARY NORTH	Natasha Georgina HOOK	310
	Jill Madeleine WRIGHT	796
BRIDGEMARY SOUTH	Peter BATTY	462
	Kathleen Margaret JONES	532
BROCKHURST	James Llewellyn FOX	107
	Robert Leonard HYLANDS	639
	Jane STAFFIERI	68
	Gary David WALKER	312
CHRISTCHURCH	Richard James DICKSON	460
	Dawn Christina KELLY	596
	Charis Andrea NOAKES	211

WARD	NAMES OF CANDIDATES	VOTES GIVEN FOR EACH CANDIDATE
ELSON	Richard Philip EARLE Craig Thomas HAZEL Louie Christina SYKES	587 372 113
FORTON	Alan Edward James DURRANT Dale FLETCHER Chloe Marie PALMER Angela Jane PRICKETT Rebecca Louise STARES	192 72 199 335 187
GRANGE	John Alan BOWLES Sean EVANS Margaret Helen MORGAN David Malcolm POLLARD	180 139 289 112
HARDWAY	Diane Hilda FURLONG Stephen James MARSHALL Philip M.R. SMITH	670 324 202
LEE EAST	Howard Graham BURGESS Nancy Ruth HURWORTH Caroline Lily Tarbet OSBORNE	1042 142 267
LEE WEST	John William BEAVIS Peter HURWORTH Jill WHITCHER	1327 184 203
LEESLAND	Stephen David BUTTERWORTH Maria Jane DIFFEY Michael John MADGEWICK David Eugen SEKULES	327 421 124 119
PEEL COMMON	Paul NOAKES Stephen PHILPOTT	257 917
PRIVETT	Zoe HUGGINS James Bertram TOMLINSON	842 348
ROWNER & HOLBROOK	Jean Ann BATTERBURY Karen Elizabeth BERGIN Marcus Thomas MURPHY	177 240 397
TOWN	Keith Cyril FARR Sam Matthias HAYWARD- VERNON Simon Barry LOCKYEAR	608 152 437

2. The undermentioned Candidates who received the greatest number of votes were therefore elected Councillors for a four-year period.

WARD

COUNCILLOR

ALVERSTOKE	Mark William Paul HOOK
ANGLESEY	Philip Iain RAFFAELLI
BRIDGEMARY NORTH	Jill Madeleine WRIGHT
BRIDGEMARY SOUTH	Kathleen Margaret JONES
BROCKHURST	Robert Leonard HYLANDS
CHRISTCHURCH	Dawn Christina KELLY
ELSON	Richard Philip EARLE
FORTON	Angela Jane PRICKETT
GRANGE	Margaret Helen MORGAN
HARDWAY	Diane Hilda FURLONG
LEE EAST	Howard Graham BURGESS
LEE WEST	John William BEAVIS
LEESLAND	Maria Jane DIFFEY
PEEL COMMON	Stephen PHILPOTT
PRIVETT	Zoe HUGGINS
ROWNER & HOLBROOK	Marcus Thomas MURPHY
TOWN	Keith Cyril FARR

GOSPORT BOROUGH COUNCIL

BOARD:	ADJOURNED ANNUAL COUNCIL
DATE OF MEETING:	19 MAY 2016
TITLE:	GOVERNANCE – REVIEW OF RESPONSIBILITIES FOR FUNCTIONS
AUTHOR:	BOROUGH SOLICITOR AND DEPUTY CHIEF EXECUTIVE
STATUS:	FOR APPROVAL

Purpose:

To review the current arrangements for the discharge of the Council's functions and propose changes to the Boards and Committees.

Recommendation

That the Council approves:

1. The amendments to the Responsibilities for Functions and Delegations to the Boards; Sub- Boards; and Committee as set out in Appendix 4 of this report and to delegate the functions to each of them as set out in Appendix 4 with immediate effect.
2. That the Service Boards and Regulatory Board comprise of 14 members; Standards and Governance Committee comprises of 12; Licensing Sub-Board comprises of 3 members; and the Licensing (General Applications) Sub-Board comprises of 5 members.
3. The Procedure for Task and Finish Groups (Appendix 1); Crime and Disorder Committee Procedure Rules (Appendix 2); Code of Conduct for Councillors and Officers involved in the Regulatory Process (Appendix 3).
4. That the requirements of Section 15 of the Local Government and Housing s Act 1989 do not apply to the Licensing Sub- Board; Licensing (General Applications) Sub- Board and Task and Finish Groups
5. The Borough Solicitor and Deputy Chief Executive making further changes to the Constitution including the deletion of Standing Order 3.2 as set out in paragraph 2.16 of the report.

1.0 Background

- 1.1 The Council's current structure of Boards and Committees has been in place since May 2011. The Council previously considered a report on

Governance issues at its meeting on 11 February 2015.

2.0 Report

Overview and Scrutiny

- 2.1 In Council's operating Committee Systems concern had been raised generally that there was no need for separate overview and scrutiny arrangements. Legislation now gives Council's operating a Committee System a choice as to whether or not to appoint an Overview and Scrutiny Committee. It is proposed that the Council does not appoint an Overview and Scrutiny Committee.
- 2.2 At present none of the Service Boards are able to set up sub-boards or working groups and there may be occasions where this would be useful to inform the work of the Service Board. Such working groups, to be known as Task and Finish Groups, should be used to undertake short sharply focused pieces of work on the development and review of policies and initiatives of matters falling within the terms of reference of the Board. Resourcing Task and Finish Groups will be a consideration so it is proposed that the number of Task and Finish groups set up by a Service Board at any one time is limited to 2.
- 2.3 If this is agreed this would mean that if at the first Service Board meeting 2 are set up and they finish their work by the next Service Board meeting, if necessary, 2 more could be appointed. It is also proposed that these Task and Finish Groups are not set up as sub-boards and that the requirement for political balance is not applied. However where possible each political group on the Board setting up the Task and Finish Group should be represented and that there are no substitutes. A Procedure for the operation of these Task and Finish Groups is attached at Appendix 1 and will be included in Council's Constitution.
- 2.4 There is still a legal requirement under the Police and Justice Act 2006 to appoint a committee to review or scrutinise decisions or action taken in connection with the discharge by the responsible authorities of their crime and disorder function, known as the Crime and Disorder Committee. This function may be discharged by one of the existing Boards or Committee.
- 2.5 Community Board's terms of references includes formulation of the Council's policies and initiatives in respect of Community Safety and Anti- Social behaviour and in order to avoid any potential conflict of interest it is proposed that the Standards and Governance Committee undertakes this role. The existing Protocol for Scrutiny will be amended to reflect the new arrangements and a copy of the Crime and Disorder Committee Procedure Rules is attached as Appendix 2.
- 2.6 The pre agenda process was included in the 2002 constitution to allow a period for members to call in matters for overview and scrutiny and

there is no legal requirement for the Council to publish a Key Decisions list so it is proposed that Standing Order 3.2 is deleted.

Licensing

- 2.7 The number of licensing matters determined by the Board has decreased over the last few years and for those applications which are determined by the Board, mainly applications to drive taxi's, an individual has to face a Board of 12 members.
- 2.8 Previously licensing matters were reported to the Regulatory Board. Regulatory Board meetings are the most well attended of the public meetings and deal with more deputations than all the other boards added together. Factors to be considered, when determining applications, differ between planning matters and licensing matters.
- 2.9 In order to avoid the public waiting until all planning applications have been determined to hear the outcome of a licensing application, which is often dealt with as an exempt item (or vice versa) it is proposed that Regulatory Board deals with policy rather than individual licensing applications.
The Terms of Reference for the Regulatory Board are attached at Appendix 4.
- 2.10 The Council currently has a Licensing sub-board which is a requirement of specific legislation relating to Alcohol, Public Entertainment and Gambling. However it is proposed that a Licensing (General Applications) Sub-Board is set up to deal with all the other applications dealt with by the Licensing Board including, taxi's and sex shops. This sub-board would not have a fixed membership it would comprise any 5 members of the Regulatory Board and the requirement for political balance would not apply although the intention would be to include members from all parties.
- 2.11 A revised Code of Conduct for Councillors and Officers involved in the Regulatory Process is attached as Appendix 3.

Composition of Boards

- 2.12 With the proposed changes to the work of the Boards and to allow for Task and Finish Groups it is proposed that each of the Service Boards (Policy and Organisation, Community and Economic Development) will comprise of 14 members.
- 2.13 It is proposed that Regulatory Board also comprises 14 members with 2 sub-boards meeting on an ad hoc basis; Licensing will continue to have 3 members and the new Licensing (General Applications) will comprise 5 members. For both sub-boards the members will be drawn from the Regulatory Board and no substitute members will be allowed once a member has agreed to sit on a sub-board considering an application. If after the date of the meeting is arranged the member cannot make it then the remaining members of the Board will be

approached. The requirement for political balance will not apply for either sub-board.

- 2.14 Given that Standards and Governance will also be undertaking the role of the Council's Crime and Disorder Committee it is proposed that it comprises of 12 members.
- 2.15 Appendix 4 includes the Terms of Reference for Regulatory Board, Licensing Sub-Board, Licensing (General Applications) Sub-Board and the additional Terms and Reference for the Service Boards and Standards and Governance.
- 2.16 There will be a number of consequential amendments to be made to the Constitution to give effect to the Council's decision and these will be made by the Borough Solicitor and Deputy Chief Executive to make such changes as provided for in the Constitution..

3.0 Risk Assessment

- 3.1 The Council has to have a written constitution which should be kept under review.

Financial Implications	None
Legal Implications	Set out in the report
Service Improvement Plan	None
Corporate Plan:	None
Risk Assessment:	See Section 3
Background papers:	Reports to Council 6 April 2011, 11 February 2015
Appendix 1	Procedure for Task and Finish Groups
Appendix 2	Crime and Disorder Committee Procedure Rules
Appendix 3	Code of Conduct for Councillors and Officers involved in the Regulatory Process
Appendix 4	Amendments to the Responsibilities for Functions and Delegations to the Boards; Sub- Boards; and Committee
Lead Officer	Linda Edwards

PART 4 Schedule 19

PROCEDURE FOR TASK AND FINISH GROUPS

1. Introduction

- 1.1 Each of the Service Boards has delegated power to set up no more than two, at any one time, Task and Finish Groups.
- 1.2 All Service Boards and Task and Finish Groups shall operate in accordance with this Protocol.

2. Purpose of Task and Finish Groups

- 2.1 A Task and Finish Group should only be appointed by the Service Board to carry out a short sharply focused piece of work on the development and review of policies and initiatives of matters falling within the terms of reference of the Service Board.
- 2.2 Task and Finish Groups should not be set up to consider individual complaints; matters which affect an individual or a small number of parties; or cases for which a separate process already exists.
- 2.3 Task and Finish Groups should not be set up to consider planning applications or licensing applications, however Task and Finish Groups may be set up to assist in the formulation of planning policies and licensing policies.

3. Composition and Status

- 3.1 Task and Finish groups will not have sub-board status and the political balance rules in Section 15 of the Local Government and Housing Act 1989 will not apply but they will, subject to the availability of Members, be established on a cross-party basis.
- 3.2 Task and Finish Groups shall comprise of up to 5 Members of the Service Board. There is no provision for substitute Members to attend a Task and Finish Group but if a Member is no longer able to participate in the Task and Finish Group the Service Board shall determine if another Member should be appointed to the Task and Finish Group.

- 3.3 Members should not take part in a Task and Finish Group if they have any Disclosable Pecuniary Interest or Personal Interest in the matter being considered by the Task and Finish Group.

4. Process

- 4.1 The terms of reference for the Task and Finish Group and the timescale for the completion of its work shall be agreed by the Service Board at the meeting at which the Service Board decides to set up the Task and Finish Group.
- 4.2 The Task and Finish Group may meet on as many occasions as it feels necessary to complete its work within the timescale set by the Service Board.
- 4.3 Task and Finish Groups may go on site visits, conduct public surveys, commission and undertake research, hold public meetings and do other things that they consider reasonably necessary to inform their deliberations but this is subject to resources being available and completion of their work within the timescale set by the Service Board.
- 4.4 Task and Finish Groups may require Officers to attend Task and Finish Group meetings to assist them with their work.
- 4.5 Task and Finish Groups may invite external interested parties to attend their meeting to assist them with their work.

5. Outcome

- 5.1 At the conclusion of their work the Task and Finish Group shall prepare a written report including recommendations which shall be considered by the Service Board

CRIME AND DISORDER COMMITTEE PROCEDURE RULES

1. Introduction

- 1.1 The Council has a statutory responsibility, under the Police and Justice Act 2006, to establish a Crime and Disorder Committee. This role will be carried out by the Standards and Governance Committee.
- 1.2 The Committee shall operate generally in accordance with the requirements of the law and the procedures and principles set out below. The Council, either of its own accord or on the recommendation of the Crime and Disorder Committee may at any time amend these provisions and/or issue supplementary guidance provided that it still meets the legislative requirements.

2. Role of the Crime and Disorder Committee

- 2.1 The role of the Committee is to:-
 - (i) review or scrutinise decisions made or other action taken in connection with the discharge, by any of the Responsible Authorities, of their crime and disorder functions and make reports or recommendations to the local authority with regard to the discharge of those functions.

The 'Responsible Authorities' means the Council, Hampshire County Council, Hampshire Fire and Rescue Authority, Hampshire Police and the Clinical Commissioning Group.

The 'crime and disorder functions' are the formulation and implementation of the following:

 - (a) a strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); and
 - (b) a strategy for combatting the misuse of drugs, alcohol and other substances in the area; and
 - (c) a strategy for the reduction of re-offending in the area.
 - (ii) make reports and recommendations to the local authority on any local crime and disorder matter which has been referred to it by a Member of the Council, as a Councillor Call for Action (see below).

3. Involvement of External Interests

- 3.1 Effective crime and disorder scrutiny will be rooted in good relationships and joint working with external bodies, in particular with the other Responsible Authorities. As such, it will often be appropriate to involve representatives from other responsible authorities by for example gathering evidence from other bodies, either by their attendance at meetings or the provision of other information.
- 3.2 The Crime and Disorder Committee and/or its task-and-finish working groups may (on reasonable notice) require the attendance before it of an officer or employee of a responsible authority in order to answer questions.
- 3.4 Whilst the Crime and Disorder Scrutiny Committee should be considered a 'critical friend' of the Community Safety Partnership, the emphasis of the Committee's work should, however, be on collaborative and partnership working. It should not be used as a forum for criticising partners. Effective scrutiny comes from taking a constructive approach with partners towards crime and disorder policies and issues in order to enhance performance and find solutions.
- 3.5 The Crime and Disorder Committee has the power to request information relating to the discharge of its responsibilities. Where the Committee makes a request for this information to the responsible authorities, such information must be provided as soon as reasonably possible. Such information will be supplied in a depersonalised form and will not include information that would be reasonably likely to prejudice legal proceedings or current or future operations of the responsible authorities.
- 3.6 It is for the Committee to decide how best involvement by partners and other third parties may be achieved and such decision will depend on the nature of the matter under scrutiny.

4. Conflicts of Interest.

- 4.1 In order to avoid a conflict of interest, any Councillors who currently sit on the Community Safety Partnership in any capacity shall not also sit on the Crime and Disorder Scrutiny Committee.

5. Whipping

- 5.1 When considering any matter in respect of which a member of the Crime and Disorder Scrutiny Committee is subject to a party whip, or advice from a Group Leader on the decision to be reached, the member must declare the party whip or advice received, and the nature of it before the commencement of the Committee's deliberation on the matter. The declaration and its details shall be recorded in the minutes of the meeting.

6. Choosing a Topic for Scrutiny (excluding Councillor Calls for Action)

- 6.1 In order for scrutiny to be effective, the work programme of the Crime and Disorder Scrutiny Committee should be determined in consultation with the Community Safety Partnership partners and reflect community need.
- 6.2 Key areas for scrutiny are:
- Policy development, including in-depth reviews;
 - Contribution to the development of strategies;
 - Holding to account at formal hearings (although this should form only a small part of the Committee's work); and
 - Performance management.
- 6.3 The Committee's work programme will be reviewed at every meeting. The Crime and Disorder Scrutiny Committee shall in particular ensure that the number of scrutinies undertaken does not exceed the capacity of the Committee, Councillor and Officer resources available to support their work. Any member of the Crime and Disorder Committee may request that a matter that is relevant to the functions of the Committee is included in the Agenda and is discussed at the Committee meeting.
- 6.4 When deciding to undertake a scrutiny the Crime and Disorder Scrutiny Committee shall determine if the scrutiny is to be undertaken by the whole Committee, a working group of members of the Committee taking account of the expertise and experience of available members and Officers. The Crime and Disorder Scrutiny Committee shall set a date by which the scrutiny should be concluded.
- 6.5 Working groups will not have sub-committee status and the political balance rules in Section 15 of the Local Government and Housing Act 1989 will not apply but they will, subject to the availability of Councillors, be established on a cross-party basis.
- 6.6 There is no provision for substitute members to attend working group meetings but if a member is no longer able to participate in the working group the Crime and Disorder Scrutiny Committee shall determine if another member should be appointed to the working group.

7. Meetings

- 7.1 The Crime and Disorder Scrutiny Committee shall meet at least once each civic year although additional meetings may be called by the Chairman or the Chief Executive at any time if they consider it necessary or desirable.
- 7.2 Working groups shall meet as many times as necessary to carry out their scrutiny but shall be time-limited in nature.

- 7.3 When undertaking a scrutiny the Committee or working group may go on site visits, conduct public surveys, commission and undertake research, hold public meetings and do other things that they consider reasonably necessary to inform their deliberations subject to resources.
- 7.4 Officers and Members of the Council may be required to attend to answer questions and shall comply with any requirement made. However such Officers and Members are not obliged to answer any question that that person would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales. Members or employees of other responsible authorities may also be required to attend as described at 3.3 above.

8. Outcome of Scrutiny

- 8.1 A report of provisional findings shall be prepared by those undertaking the scrutiny and, where carried out by a working group, submitted to the full Crime and Disorder Scrutiny Committee.
- 8.2 The Crime and Disorder Scrutiny Committee shall consider the report on provisional findings and decide whether or not additional work should be undertaken on the scrutiny and if so by whom, whether to end the scrutiny with no further action, whether or not to accept the recommendations in the provisional findings and whether or not to publish a report of the scrutiny or its recommendations.
- 8.3 The decision of the Crime and Disorder Scrutiny Committee will be recorded in the minutes of the meeting which are published on the Council's website.
- 8.4 Where the Crime and Disorder Scrutiny Committee decides to publish a report or recommendations the Head of Legal and Democratic Services shall:
- (a) Ensure that a copy is provided as required by law to each of the responsible authorities and to each of the persons with whom, and bodies with which, the responsible authorities have a duty to co-operate under section 5(2) of the Crime and Disorder Act 1998 (the Co-operating Persons and Bodies);
 - (b) When providing the copy of the report under (a) notify the authority, body or person that they must consider the report or recommendations, respond to the committee in writing as soon as reasonably possible indicating what (if any) action it proposes to take and have regard to the report or recommendations in exercising its functions; and

- (c) deal with the serving of the requisite notice and arranging for the report to be included on the agenda of the appropriate Board or full Council.

9. Local Crime and Disorder Matters

- 9.1 The Crime and Disorder Committee may make a report or recommendations to the Council with respect to any matter which is a local crime and disorder matter in relation to a Councillor.

- 9.2 The Councillor Call for Action ('CCA') enables any Member of the Council who is not a member of the Crime and Disorder Scrutiny Committee to refer a local crime and disorder matter to the Committee.

- 9.3 A 'local crime and disorder matter' is any matter concerning:

- (a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or
- (b) the misuse of drugs, alcohol and other substances,

which affects all or part of their ward or any person who lives or works in that area.

- 9.2 A referral will ensure it is included on the agenda for and discussed at a meeting of the Crime and Disorder Scrutiny Committee but it is for the members of the Committee to decide whether or not to take the matter further. It is important to recognise that CCA is not guaranteed to solve a given problem, it simply provides a method for discussing such problems and through discussion trying to overcome them.

- 9.3 When considering whether or not to make a report or recommendations to the Council in relation to the matter, the Crime and Disorder Scrutiny Committee shall take into account the following matters:
- Any powers which the Ward Councillor may exercise in relation to the matter by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England), and
 - Any representations made by the Ward Councillor as to why it would be appropriate for the committee to exercise any power which it has in relation to the matter;
 - Is the Committee satisfied that all reasonable attempts have been made to resolve the issue by the Ward Councillor? Do the responses received by the referring Councillor demonstrate that the matter is not being progressed?

- Has the Committee considered a similar issue recently and if yes have the circumstances or evidence changed?
- Is there a similar or related issue which is the subject of a scrutiny/review on the current work programme? It may be more appropriate to link the new issue to an existing scrutiny/review rather than hold a CCA hearing.
- Relevant time pressure on resolving the CCA
- Have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the Councillor received?
- Does the matter referred have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the referring Councillor's ward?

- 9.4 A CCA should only be raised where other means of resolving the matter have been exhausted and the Councillor should complete the Notice attached at Appendix A. The Councillor should ensure that the Notice states why they consider the issue should be looked at by the Crime and Disorder Scrutiny Committee, give brief details of the main areas of concern, supply evidence in support of the CCA, indicate areas or groups affected by the CCA, summarise mediation and attempts at resolution which have been undertaken and indicate any deadlines associated with the CCA of which the Crime and Disorder Scrutiny Committee needs to be aware.
- 9.5 The Councillor making the CCA referral will be invited to attend the meeting where the Committee considers the referral. The Committee may also invite other relevant parties, Councillors and Officers to discuss the issue and answer any questions, if the Committee considers this appropriate.
- 9.6 If the Crime and Disorder Scrutiny Committee decides not to make a report or recommendations to the local authority in relation to the matter, it must inform the Councillor of its decision and provide reasons.
- 9.7 If the Committee decides to accept the CCA referral it must decide how it intends to take the matter forward and include it in its work programme.
- 9.8 The Committee when considering a CCA referral may undertake any of the activities it is able to do when undertaking a scrutiny.
- 9.9 At the end of the work on the referral a copy of any report or recommendations to the Council of the Crime and Disorder Scrutiny Committee on the referral will be sent to the Councillor making the CCA referral and to such of the responsible authorities and the co-operating persons and bodies as the Committee sees fit, together with the notification described in paragraph 8.4(b) above.

Appendix A

Councillor Call for Action

Local Crime and Disorder Matter

Notice to include item on the Crime and Disorder Committee Agenda

To: Borough Solicitor and Deputy Chief Executive

Please make arrangements for the following item to be included on the next available agenda of the Crime and Disorder Committee pursuant to the Crime and Disorder Committee Procedure Rule 9

Details of Local Crime and Disorder Matter *(include sufficient details to enable the item to be correctly identified)*

Reasons *(the reasons should explain what steps have been taken to resolve the matter)*

Supporting Information attached <i>(if</i>	Yes	No
<i>supporting information is provided it should</i>		
<i>be relevant and concise)</i>		

Signed

Dated

Note: Guidance on making Councillor Calls for Action on Local Crime and Disorder Matters can be found in Part 4 Schedule 18 of the Council's Constitution

CODE OF CONDUCT FOR COUNCILLORS AND OFFICERS INVOLVED IN THE REGULATORY PROCESS

CONTENTS

- 1 Introduction - The Need for Guidance
- 2 General Role and Conduct of Councillors
- 3 Declaration and Registration of Interests
- 4 Proposals submitted by Councillors and Officers, and Council Development
- 5 Lobbying of Councillors and Lobbying by Councillors
- 6 Pre-application Discussions and Meetings with Applicants and Third Parties
- 7 Officer Reports
- 8 Public Speaking at Board Meetings
- 9 Site Visits
- 10 Licensing Application Procedures
- 11 Complaints and Record Keeping

Appendix A Licensing Procedure – Chairman's Record

1.0 INTRODUCTION - THE NEED FOR GUIDANCE

- 1.1 This Code has been written to help everyone understand the standards required of Gosport Borough Council in carrying out its regulatory functions particularly in respect of planning and licensing decisions.
 - 1.2 This Code applies to all Gosport Borough Councillors and to all staff involved in the regulatory system. It applies equally to the operation of Council meetings and the Regulatory Board and its Sub-Boards.
 - 1.3 Planning and licensing decisions rely on informed and objective judgement within a firm policy context. They are often contentious because those decisions affect the daily lives of everyone and the private interests of individuals, landowners, and developers. This is heightened by the openness of a system that actively invites public opinion before taking decisions. It is important, therefore, that the process involves open and transparent decision-making.
 - 1.4 One of the principal purposes of the planning and licensing systems is to control development and licensable activities in the public interest. In performing this role, planning and licensing necessarily affects land and property interests, including the financial value of land holdings, businesses and the quality of their settings, together with the financial interest of various forms of licence the Council has responsibility for issuing and monitoring. It is important, therefore, that the Council should make planning and licensing decisions affecting these interests openly, impartially, with sound judgement, and for justifiable reasons. The process should leave no grounds for suggesting that a decision has been partial, biased, or not well founded.
 - 1.5 The third report of the Committee of Standards in Public Life (the Nolan Report) recommended that all Planning Committees should consider whether their procedures are in accordance with best practice, and adapt their procedures if necessary, setting them out in a Code accessible to Councillors, staff and members of the public. These principles apply equally to decisions relating to licensing matters.
 - 1.6 The aim of this Code of Conduct is to ensure that the Borough Council operates an open and fair system. Failure to follow this Code of Conduct, without good reason, could be taken into account during investigations into possible maladministration.
 - 1.7 Councillors and staff are requested to read this Code thoroughly and put it into practice consistently. It is intended to review the Code regularly so that it remains useful and relevant.
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2.0 GENERAL ROLE AND CONDUCT OF COUNCILLORS AND OFFICERS

- 2.1 Councillors and officers have different, but complementary, roles. Both serve the public, but Councillors are responsible to the electorate, while officers are responsible to the Council as a whole. A successful relationship between Councillors and officers can only be based upon mutual trust and understanding of each other's position. This relationship, and the trust which underpins it, must never be abused or compromised.
- 2.2 All of those involved in the planning and licensing processes and the general public are entitled to expect high standards of conduct and probity by all those holding public office. Only material planning or licensing considerations should be taken into account. There are statutory provisions and codes setting standards which must be followed. Both Councillors and officers are guided by the Council's Code of Conduct.
- 2.3 Whilst Councillors have a special duty to their ward constituents, including those who did not vote for them, their overriding duty is to the whole community. Councillors should not favour any individuals or groups and, although they may be influenced by the opinions of others, they alone have the responsibility to decide what view to take. Councillors must, therefore, represent their constituents as a body and vote in the interests of the whole borough.
- 2.4 Whilst this Code deals primarily with planning and licensing applications, its principles apply equally to the consideration of Local Plans, Supplementary Planning Documents, Development Briefs, enforcement issues and all other planning matters. An overriding principle is that, when local authorities are dealing with planning matters, they should only take into account material planning considerations. This principle applies equally to licensing matters.
- 2.5 Officers must always act impartially. In order to ensure that senior officers do so, the Local Government and Housing Act 1989 imposes political restrictions. In addition, officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's Code of Professional Conduct. Breaches of the Institute's Code may be subject to disciplinary action by the Institute. Similarly members of the Chartered Institute of Environmental Health are guided by their code of conduct and are subject to disciplinary procedures of the Institute, as are the Council's legal representatives by the codes of the Solicitors Regulation Authority.
- 2.6 The law provides that all planning applications are determined by primary reference to the Development Plan. If the Development Plan is material to an application, therefore, the statutory requirement is that it should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
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- 2.7 A further key principle is that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, or the appropriate licence, unless that opposition or support is based upon valid planning or licensing reasons and concerns which can be sustained. It should also be borne in mind that, although objectors do not have the right to appeal against the grant or refusal of an application, they do have the right to take the Council to court if it has acted contrary to the Human Rights Act 1998.
- 2.8 Guidance to Councillors in respect of the Council's Code of Conduct and regulatory matters is available through training seminars and briefings.
- 2.9 Councillors should be very cautious about accepting gifts and hospitality and should act on the presumption that any gift should be refused.
- 2.10 During the course of carrying out their duties, officers may be offered hospitality from people with an interest in a regulatory issue. Wherever possible, such offers should be declined politely. If receipt of hospitality is unavoidable (i.e. to refuse could cause offence or embarrassment, such as accepting a cup of coffee) officers should ensure that it is of the minimum level. Copies of each Unit's Gifts and Hospitality Register are held by the Borough Solicitor and Deputy Chief Executive.
- 2.11 Officers must always act impartially and seek permission from the appropriate senior officer for any private work or interest which they wish to take up. The Council will review regularly the outside activities declared by its officers, and the restrictions placed upon such activities by the Council.

3.0 DECLARATION AND REGISTRATION OF INTERESTS

- 3.1 The law and the Council's Code of Conduct set out requirements and guidance for Councillors on declaring disclosable pecuniary interests and personal interests and the consequences of having such interest. The Code of Conduct advises that not only should impropriety be avoided, but also any appearance or grounds for suspicion, of improper conduct. The responsibility for this rests individually with each Councillor.
- 3.2 Councillors must keep their Register of Interests, updated and any changes should be notified to the Borough Solicitor as soon as they occur and in any event within 28 days of any change occurring.
- 3.3 The law makes specific provision requiring a Councillor to disclose disclosable pecuniary interests (including those of a spouse or partner) which they may have in any matter before it is presented to the Council and its Boards. The Councillor is also prohibited from speaking or voting on the issue and must withdraw from the meeting before it is considered.
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It may be possible to obtain a dispensation from the Council's Standards and Governance Committee to allow a Councillor to speak or vote and the procedure for such applications is found in the Council's Code of Conduct,

- 3.4 Personal interests can be just as important. These are interests that may be thought to influence the Councillor's decision-making (e.g. planning or licensing application submitted by a member of the Councillor's family, close associate or friends, as well as those arising through membership of, or association with, clubs, societies, and other organisations such as Freemasons, Political Parties, Trade Unions and voluntary bodies). If a Councillor has a personal interest, they must always declare it, a member with a personal interest may subject to paragraph 4.2 below remain in the meeting and take part in the debate and vote on a matter. Further guidance on personal interests may be found in the Council's Code of Conduct.
 - 3.5 Councillors who are unsure whether an interest should be declared should seek the advice of the Council's Monitoring Officer (the Borough Solicitor and Deputy Chief Executive), although the final decision rests with the Councillor.
 - 3.6 Councillors who have substantial property interests or are involved in any licensable activities, or other interests, which would prevent them from voting on a regular basis, should avoid serving on the Regulatory Board.
 - 3.7 Further advice on these matters is available from the Borough Solicitor and Deputy Chief Executive.
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4.0 PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS, AND COUNCIL DEVELOPMENT

- 4.1 If Councillors or officers submit their own development proposals or licensing applications to the Council, they should take no part in its processing and the decision-making. Such planning or licensing applications will be reported to the Regulatory Board or the appropriate Sub-Board as formal agenda items and not dealt with by officers under delegated authority.
- 4.2 If an application has been made by a Councillor, close associate or one of their family or friends that Councillor should not vote or speak on the application and should withdraw from the meeting. Equally, a Councillor who has acted in a professional capacity for any individual, company, or other body pursuing a planning or licensing matter, should not vote or speak in relation to that matter, and should withdraw from the meeting. Ideally, all such applications should be submitted by a professional agent to avoid partiality and contact with officers dealing with the application.
- 4.3 The Council's Monitoring Officer should be notified by Councillors and officers of all such proposals, as soon as they are submitted.
- 4.4 Applications made on behalf of the Council for its own development or activities requiring a licence must be determined in an identical manner to applications made by the general public and the same planning/licensing policy considerations applied. The Council's current practices and procedures achieve this with identical consultation and publicity in relation to the application. Decisions must be made strictly on planning or licensing merits and without regard to any financial or other gain which may accrue to the Council if the development activity is permitted. Applications for development by the Council will be reported to the Regulatory Board. Council activities requiring a licence will be determined in accordance with the statutory requirements and if necessary reported to the Regulatory Board or relevant Sub-Board.

5.0 LOBBYING OF COUNCILLORS AND LOBBYING BY COUNCILLORS

- 5.1 The Nolan Report recognises that it is essential for the proper operation of the planning system that local views and opinions are adequately aired. The most effective and suitable way this can be done is via locally elected representatives. However, such lobbying can, unless care and common sense are exercised by all parties concerned, lead to the impartiality and integrity of a Councillor being called into question. When being lobbied, Councillors should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have heard all the evidence and arguments. In such situations they should restrict themselves to giving procedural advice. If they do express an opinion, they should make it clear that they will only be in a position to take a final decision after
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having heard all the relevant evidence and arguments at the Board meeting - otherwise they are vulnerable to accusation of partiality. These principles apply equally to licensing matters.

- 5.2 Each Councillor should reach their own conclusions on planning or licensing matters, rather than follow the lead of another Councillor. In this regard, any political meetings prior to a meeting of the Regulatory Board or of any of its Sub-Boards should not be used to decide how Councillors should vote. Decisions can be taken only after full consideration of the officers' report, and information and discussion at the Board or Sub-Board meeting.
- 5.3 When dealing with the public, it is quite proper for Councillors to give factual information, advice as to the process and procedures followed by the Council, and who to contact in the Council for further information. Equally, it is appropriate for a Councillor to report the public's views, either to officers or to the Board or Sub-Board, but it would be wrong for the Councillor to put pressure on officers for a particular recommendation to the Board or Sub-Board.
- 5.4 A Councillor serving on the Regulatory Board, who represents a ward affected by an application, is in a difficult position if it is a controversial application where intense lobbying takes place. If the Councillor responds to lobbying by deciding to go public in support of, or in opposition to, a particular outcome - or even campaign actively - it will be very difficult for that Councillor to argue convincingly, when the Board comes to take its decision, that they have carefully weighed the evidence and arguments presented at the Board if they have already made statements which suggests they have already made their mind up. The proper course of action for such a Councillor in these circumstances would be to make an open declaration and not to vote. Accordingly, a Councillor should avoid organising support for or against a planning or licensing application if they intend to participate in its determination at the Board. However, it should be possible for a Councillor to give support to a particular body of opinion while waiting until the Board meeting to hear all the evidence, before making a final decision.

6.0 PRE-APPLICATION DISCUSSIONS AND MEETINGS WITH APPLICANTS AND THIRD PARTIES

- 6.1 Discussions between a potential applicant and the Council prior to the submission of an application can be of considerable benefit to both parties, and are widely encouraged. Discussions can take place for a variety of reasons, for example, to establish whether an application can be improved to meet policy objectives, or to overcome objections, or to meet relevant neighbour concerns etc.
- 6.2 It should always be made clear at the outset that pre-application discussions will not bind the Council to making a particular decision or its officers to making a particular recommendation, and that any views
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expressed are provisional, until all relevant information is submitted and consultations on it have taken place.

- 6.3 Advice should be consistent, and based on the relevant planning or licensing material considerations. Officers will ensure their advice is not partial, nor seen to be. Wherever possible meetings should be held in the Town Hall rather than in the applicant's premises, and notes of the meeting made and retained on the case file.
- 6.4 When attending public meetings and site visits, Councillors should take great care to maintain their impartial role as a Councillor, listen to all the points of view expressed by the speakers and public, and not state a conclusive decision on any pre-application proposals and submitted planning or licensing applications.
- 6.5 Generally, it is preferable that Councillors do not take part in pre-application discussion, so as to maintain impartiality. Where Councillors do become involved in such discussions, including meetings on site, and the matter is contentious or potentially contentious, they should always seek the assistance or attendance of an appropriate officer.
- 6.6 If Councillors consider that they have been exposed to undue or excessive lobbying or approaches, these should be reported to the Monitoring Officer who will, in turn, advise the appropriate officers.
- 6.7 Once an application has been lodged, and before it is determined, Members of the Regulatory Board should avoid all meetings with the applicant or third parties. This is a particularly sensitive period and any such meetings could be construed as lobbying. Members should not seek to advise applicants, their agents or third parties on the likely acceptability, or not, of any matter coming before the Board.
- 6.8 Councillors who also serve on the County Council may need to clarify their separate roles in each Council in respect of Gosport Borough's policies. The public and other interested parties should be clear at all times when the Councillors are acting as a County Councillor and when they are acting in their role as a Borough Councillor.

7.0 OFFICER REPORTS

- 7.1 Certain applications are dealt with under the Scheme of Delegation to Officers, which gives clear guidelines on when applications will be determined by the Head of Development Management, the Borough Solicitor and Deputy Chief Executive, or the Head of Environmental Health. The remainder are dealt with by the Regulatory Board or by one of its Sub-Boards, and are the subject of reports to those Boards.
 - 7.2 Licensing applications are considered within a quasi-judicial framework that requires precise and objective procedures. Although to some extent the determination of planning applications can also be quasi-judicial in
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nature, it is often more of a subjective process where proposals are considered against a background of policy guidance. This section describes how planning applications are to be presented to and considered by the Regulatory Board. Section 10 deals with the procedures the Board, the Licensing Sub-Board and the Licensing (General Applications) Sub-Board will follow when hearing licensing applications.

- 7.3 Written reports in regard to planning applications will include a clear description of the relevant planning history, site, and an explanation of the Development Plan policies and any other material considerations. The report must conclude with a recommendation that should be fully justified within the report. This is particularly important where the recommendation is for planning permission to be granted where the proposal is contrary to the Development Plan, or where the recommendation is for refusal.
- 7.4 Additional information on items on the agenda received after the agenda papers have been prepared will usually be provided verbally at the meeting although, where appropriate, some information may also be distributed at the meeting.
- 7.5 Board decisions should be properly recorded. Where a Councillor wishes to propose that a planning application is refused or approved contrary to the officer recommendation this should be raised before the vote on the recommendation in the report is considered. The Councillor will need to give the planning reasons why the application should be refused or approved and, if these are seconded, a vote on refusing or approving the application will be taken first. If the proposal to refuse or approve the application is agreed then the application will be refused or approved. If the proposal to refuse or approve is not agreed then a vote will be taken on the recommendation as set out in the report. The reasons for such a decision should be clearly recorded, as should any discussions on human rights issues. Such reasons should be clear and convincing. Officers should also be given the opportunity to explain to the Board the likely implications of the contrary decision.
- 7.6 Where Councillors wish to add or amend conditions the general content will be agreed at the meeting before the vote is taken and the final wording will generally be delegated to the Head of Development Management and/or the Borough Solicitor and Deputy Chief Executive.

8.0 PUBLIC SPEAKING AT BOARD MEETINGS

- 8.1 The Nolan Report recommends, amongst its list of best practice for planning procedures, that there should be opportunities for applicants, objectors, and other interested parties to make representations at the Regulatory Board.
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- 8.2 The Council believes that public speaking enhances public involvement and confidence in the planning and licensing processes.
- 8.3 The Borough Council has been operating such a procedure for some time, and clear Deputation protocols have been established, details of which are set out in the Council's Constitution. Further information may be obtained from Democratic Services.
- 8.4 In regard to planning applications, the protocols allow for more than one Deputation to be heard by the Board, whether in support or in opposition to the application proposals with the time allocated to all deputations being 5 minutes for those in support and 5 minutes for those opposing. One spokesperson for each such Deputation will normally address the Board immediately following the officer's presentation. Members of the Board may then ask questions of spokespersons to clarify any statements made and the Chairman shall, if considered appropriate, respond to any Deputation on behalf of the Board. The application proposals will then be considered without further reference to Deputation spokespersons.

9.0 SITE VISITS

- 9.1 The purpose of a site visit is for Members of the Regulatory Board to gain knowledge of the application where appropriate and its relationship to adjacent sites. A decision to carry out a site visit should only be made where objective decisions could not be taken without such a visit. A site visit is only likely to be necessary if:
- the impact of the proposal is difficult to visualise from the application details and any supporting material, including photographs taken by officers, or
 - there is a good reason why the comments of the applicant and objectors cannot be expressed adequately in writing, or
 - The proposal is particularly contentious and/or complex.
- 9.2 A member at the meeting of the Regulatory Board may request that a site visit is held, but the tests set out in paragraph 9.1 should still apply. Such a request would need to be seconded and agreed by the majority of members at the meeting, and the reasons for holding a site visit should be recorded within the minutes of the Board.
- 9.3 The site visit should consist simply of a site inspection, with officer assistance. Ideally, the site visit should only be attended by officers and Members to ensure that the purpose is to view the site only, and to remove any possibility of lobbying by the applicant or third parties. There are opportunities for these parties to make any representations through the deputation procedure.
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- 9.4 If an applicant needs to be present to allow site access, they should be notified in writing of the purpose of the visit and that representations would not normally be allowed to be made on site. Objectors should also be notified of the visit, and that representations will similarly not be allowed, unless circumstances arise whereby the applicant has been allowed to make representations.
- 9.5 Questions may be asked by Members during the site visit but no discussions of the merits of the case should take place, and Members should avoid expressing an opinion. No decisions are to be made at the site visit. It is essential that Members and officers ensure that those attending are not led to believe that a decision has been taken on the spot, or that conclusive views have been reached. Members should attend the site visit at the same time, and not on their own or in separate groupings from other attendee Members. Members should not allow themselves to be addressed by the applicant or third parties as individuals or separate groups.
- 9.6 Should individual Members make their own unofficial site visits, they should do so in a manner that is not pro-active or be likely to attract the risk of lobbying.
- 9.7 Details of all those attending site visits should be recorded within the Regulatory Board minutes. Officers will present any relevant information obtained from the site visit, in addition to the application report, to the Board.

10.0 LICENSING APPLICATION PROCEDURES

- 10.1 Unlike planning applications, licensing applications are heard in a quasi-judicial setting, with decisions made in closed session i.e. not in the presence of officers or the public. The full particulars will vary with each case or type of application, however in principle, most will follow the procedures shown in Appendix A. The majority of licensing applications will be heard by either the Licensing Sub-Board or the Licensing (General Applications) Sub-Board.

11.0 COMPLAINTS AND RECORD KEEPING

- 11.1 The Council has devised its own local complaints system, details of which are available from the Borough Solicitor and Deputy Chief Executive.
- 11.2 In order that complaints can be fully investigated, record keeping on all regulatory matters should be complete and accurate. In particular, every planning/licensing application and enforcement file will contain an accurate account of events throughout its life.
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- 11.3 Where a planning or licensing application is dealt with under the delegation procedure, a record will be kept of the considerations taken into account in determining the application.

Appendix A

Chairman's Record

Board title.....

Date of Board/Sub-Board

Chairman

THE COUNCIL'S CASE

The Council Officer will if applicable and with the permission of the Chairman distribute to members of the Board/Sub-Board a copy of the applicant's / respondent's Disclosure Barring Service (DBS) check or any other relevant disclosure, and any written statement by the applicant / respondent provided in support of their case.

The Board/Sub-Board shall be given an opportunity to read the above before the Council Officer introduces his report.

The Council's Officer will introduce his report and present the relevant facts ☐

The applicant / respondent may ask the Council's Officer questions arising from what he/she has said, or relating to the agenda item ☐

Councillors may ask the Council's Officer questions ☐

*The Police or any third party objector may, with the Chairman's leave, speak ☐

The applicant may ask the Police or third party questions arising from what they have said or relating to the agenda item. ☐

Councillors may question the Police or third party ☐

THE APPLICANT'S CASE

The applicant / respondent states his or her case and may rely upon any written statement filed in support of their case, which is before the Board/Sub-Board ☐

The Council's Officer may ask the applicant / respondent questions arising from what the applicant/respondent has said or referred to in any written statement filed in support of their case, which is before the Board/Sub-Board ☐

Councillors may question the applicant / respondent ☐

Any third party may, with the Chairman's leave, speak in support of the applicant / respondent ☐

Councillors Board may ask the third party questions. ☐

SUMMING UP

The Chairman will ask the Council's Officer and the applicant / respondent , in turn, if they have any further comments to make ☐

THE DECISION

All persons, except the person who records the minutes, withdraw from the room whilst the Board/Sub-Board decides the matter in private. All persons will then be called back into the room when the Chairman will announce the decision of the Board/Sub-Board ☐

The chairman will confirm that written notice of the decision with reasons, and information as to any statutory right of appeal will be sent to the parties.

The above is an accurate account of the hearing

Signed

Date

*In the case of a Licensing Sub-Board hearing in respect of applications under the Licensing Act 2003 and The Gambling Act only the applicant / respondent and any responsible authority or interested party who have made a relevant representation may address the Sub-Board.

APPENDIX 4

AMEND PART 3 SCHEDULE 9 AS FOLLOWS

ANNEX 1

AMEND MEMBERSHIP TO 14

INSERT AFTER PARAGRAPH E (h)

Delegated Power

1. To appoint Task and Finish Groups at any one time subject to their being no more than two appointed at any one time.

ANNEX 2

AMEND MEMBERSHIP TO 14

INSERT AFTER PARAGRAPH 5.5

Delegated Power

1. To appoint Task and Finish Groups at any one time subject to their being no more than two appointed at any one time.

ANNEX 3

AMEND MEMBERSHIP TO 14

INSERT AFTER PARAGRAPH 9

Delegated Power

1. To appoint Task and Finish Groups at any one time subject to their being no more than two appointed at any one time.

ANNEX 5

AMEND MEMBERSHIP TO 12

INSERT NEW PARAGRAPH

22. To be the designated Crime and Disorder Committee under the Police and Justice Act 2006.

REGULATORY BOARD TERMS OF REFERENCE

Membership – 14 Councillors

Terms of Reference

1. To carry out such planning functions of the Council as are not delegated to the Economic Development Board.
2. To carry out the regulatory functions of the Council as a Building Control Authority.
3. To carry out all of the licensing and registration functions (including enforcement thereof) of the Council where these are not specifically delegated to any other Board.
4. Except insofar as power is delegated to the Licensing Sub-Board, Licensing (General Applications) Sub-board or officers, the grant, renewal, refusal, revocation and imposition of conditions in respect of any licences or registration included in the functions of the Council and in particular in respect of the matters set out at Section 2 below

1. Planning Powers

- 1.1 The discharge of the Council's functions under the Town and Country Planning Act 1990, the Planning (Listed Building and Conservation Areas) Act 1990 and any regulations made thereunder (other than those matters delegated to the Economic Development Board) including:-
 - (i) the control of development;
 - (ii) enforcement measures;
 - (iii) the conservation and enhancement of buildings and areas of historic/architectural interest; (iv) tree preservation orders.
- 1.2 The discharge of the Council's functions in relation to allied legislation including that relating to Building Control, Ancient Monuments, Countryside, Parks, Nature Reserves, Archaeological Areas and Derelict Land.
- 1.3 The consideration of proposals, issues and formal consultation in relation to planning matters in adjoining Planning Authority Areas.
- 1.4 The consideration of all proposals that involve departures from approved local plans.

- 1.5 The consideration of planning consultations received from the County Council in relation to development within the Borough and formulating and deciding the Council's response to such consultations.
- 1.6 Acting as consultee and commenting on strategic planning issues and development proposals by Government Departments, Hampshire County Council and adjoining Local Planning Authorities.
- 1.7 The exercise of the powers and duties of the Council under the Building Act 1984 which relates to the Building Regulations and allied legislation.
- 1.8 The consideration and determination of applications for a contribution towards the cost of repairs to buildings on the Buildings at Risk Register provided the contribution does not exceed 15% of the total costs and is within the Board's budget provision.
- 1.9 The discharge of the Council's functions and powers in relation to High Hedges under Part 8 of the Anti-Social Behaviour Act 2003.

2. Licensing Powers

- 2.1 The licensing of money lenders, pawnbrokers, scrap metal dealers, sex establishments and premises for ear-piercing, acupuncture, tattooing and electrolysis.
- 2.2 The administration of any dog licensing or registration schemes and all other matters relating to the general control of dogs and other animals.
- 2.3 The function of licensing and prosecuting authority under the Caravan Sites and Control of Development Act 1960.
- 2.4 The control of street and house-to-house collections.
- 2.5 The determination of applications in respect of Hackney Carriages, Taxis and Private Hire Vehicles.
- 2.6 The determination of applications relating to Street Trading.
- 2.7 Any other licences, permits or consents for which the Council has a general or specific responsibility under any general or local Act.
- 2.8 The administration of the registration scheme under the Vehicles (Crime) Act 2001.
- 2.9 The discharge of the Council's powers and duties under the Licensing Act 2003 including the formulation but not adoption of the Statement of Licensing Policy under the Licensing Act 2003.

- 2.10 The discharge of the Council's powers and duties under the Gambling Act 2005 including the formulation but not adoption of the Statement of Principles under the Gambling Act 2005.
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LICENSING SUB-BOARD

Membership – Any 3 Members of the Licensing Board

Delegated Powers

1. LICENSING ACT 2003

- 1.1 The determination of applications where representations or a police objection is received or where the applicant for a personal licence has unspent convictions.
- 1.2 The determination of applications to renew a premises licence or a club premises certificate.
- 1.3 The determination of a police objection to a temporary event notice.
- 1.4 Where the Council is a consultee to decide whether or not to object to an application made to another Licensing Authority under the Licensing Act 2003.

2. GAMBLING ACT 2005

- 2.1 The determination of applications where representations have been received and not withdrawn.
- 2.2 The determination of applications for the grant or variation or transfer of a premises licence
- 2.3 The determination of applications for the review of a premises licence.
- 2.4 The determination of an application for club gaming/club machine permits.
- 2.5 The determination of a police objection to a temporary use notice.

LICENSING (GENERAL APPLICATIONS) SUB-BOARD

Membership – Any 5 Members of the Licensing Board

Delegated Powers

1. The determination of applications for the licensing of money lenders, pawnbrokers, scrap metal dealers, sex establishments and premises for ear-piercing, acupuncture, tattooing and electrolysis.
2. The administration of any dog licensing or registration schemes including the determination of applications for licensing and registration and all other matters relating to the general control of dogs and other animals.
3. The function of licensing and prosecuting authority under the Caravan Sites and Control of Development Act 1960.
4. The control of street and house-to-house collections.
5. The determination of applications in respect of Hackney Carriages, Taxis and Private Hire Vehicles.
6. The determination of applications in respect of Street Trading.
7. Any other licences, permits or consents for which the Council has a general or specific responsibility under any general or local Act.
8. The administration of the registration scheme under the Vehicles (Crime) Act 2001.

GOSPORT BOROUGH COUNCIL

BOARD/COMMITTEE:	ADJOURNED ANNUAL COUNCIL
DATE OF MEETING:	19 MAY 2016
TITLE:	REVIEW OF COUNCIL BOARDS AND COMMITTEE AND DETERMINATION OF ALLOCATION OF SEATS
AUTHOR:	BOROUGH SOLICITOR AND DEPUTY CHIEF EXECUTIVE
STATUS:	FOR DECISION

PURPOSE

To advise the Council of the balance of the seats on the Council and the position with regard to Political Groups and to undertake a review in accordance with the “Proportionality Rules” of the balance of seats on the Boards and Committees of the Council.

RECOMMENDATIONS

That the Council approve:

1. The allocation of seats on the Boards and Committee as set out in paragraph 3.1

1.0 REVIEW OF COUNCIL BOARDS AND SUB-BOARDS

- 1.1 The Council previously reviewed the allocation of seats and made a determination as to the allocation between the Political Groups at the Annual Council Meeting on 21 May 2015.

2.0 PROPORTIONALITY RULES

- 2.1 Currently notices have been received from 3 Political Groups. There is a further member who is not a member of a political group, which under the Regulations must have 2 or more members.
- 2.2 Section 15 of the Local Government and Housing Act 1989 requires the Council to review the allocation of seats and when making allocation of seats to Political Groups allocations are made to give effect so far as reasonably practicable to the following principles:
 1. That not all the seats are allocated to the same Political Group;

2. That the majority of seats are allocated to the Political Group having a majority of seats on the Council;
3. That subject to 1 and 2 above the number of seats on the total of all Boards and Committees of the Council allocated to each Political Group bears the same proportion to the proportion on the Council;
4. That subject to all the above the number of seats on each Board and Committee allocated to each Political Group bears the same proportion to the proportion on the Council

2.3 The Council is considering a report earlier on the Agenda which if agreed means the Council will have 4 Boards and one Committee; and there will be 68 seats to be allocated as set out in paragraph 2.2 above.

	Conservative	Labour	Liberal Democrats	TOTAL
Members	20	4	9	33
Proportion	58.82%	11.76%	26.47%	97.05%
Seats	40	8	18	66

3.0 PROPOSED ALLOCATION – BOARDS, STANDARDS AND GOVERNANCE COMMITTEE AND OVERVIEW & SCRUTINY COMMITTEE

3.1 The proposed allocation of seats is set out below.

	Conservative	Labour	Liberal Democrats	TOTAL
Policy and Organisation	9	1	4	14
Community	9	2	3	14
Economic Development	8	2	4	14
Regulatory	8	2	4	14
Standards and Governance Committee	8	1	3	12
TOTAL	42*	8	18	68

* This reflects the extra seats available (see paragraph 2.1 above)

3.2 This proposed allocation gives effect to the principles set out in paragraph 2.2 above

SUPPORTING INFORMATION

Financial Services Comments:	Nil
Legal Services Comments:	As indicated in Section 2
Crime and Disorder:	Not applicable
Equality and Diversity:	Not applicable
Service Improvement Plan implications:	Nil
Corporate Plan:	Nil
Risk Assessment:	Nil
Background Papers:	Council Meeting 21 May 2015
Appendices/Enclosures:	None
Report Author/Lead Officer:	Linda Edwards, Borough Solicitor and Deputy Chief Executive