

East Suffolk Shadow Authority

Agenda
Item
14

SHADOW COUNCIL

Monday 3 December 2018

SHADOW REGULATORY FUNCTIONS (REP 12(SH))

EXECUTIVE SUMMARY

This report proposes the creation of a Shadow Licensing Committee, a Shadow Planning Committee, as well as a Shadow Audit and Governance Committee to allow for regulatory functions to be carried out, during the Shadow Period, should the need arise.

Is the report Open or Exempt?	Open
Wards Affected:	All
Cabinet Member:	Councillor Mark Bee and Councillor Ray Herring
Supporting Officer:	Hilary Slater Head of Legal and Democratic Services hilary.slater@east Suffolk.gov.uk

1 INTRODUCTION

- 1.1 The East Suffolk (Local Government Changes) Order 2018 (the 'Changes Order'), which came into force on 25 May 2018, established the Shadow Authority (SA). The SA came into being on 25 May 2018. It consists of all of the existing Members of Suffolk Coastal District Council (SCDC) and Waveney District Council (WDC). The SA is to oversee the transition from SCDC and WDC to the new, East Suffolk Council (ESC).
- 1.2 SCDC and WWDC will be abolished on 1 April 2019. The Members of the SA will continue in office until 6 May 2019. The time from 25 May 2018 until 6 May 2019 is known in the Changes Order as the Shadow Period. During the Shadow Period, it may be necessary for regulatory decisions to be made, after the abolition of SCDC and WDC, but before the elections to the ESC on 2 May 2019 and before the newly elected Members of ESC take office on 6 May 2019. To cover this eventuality, it is necessary to establish certain shadow regulatory Committees, to cover the period of 1 April 2019 to 6 May 2019.
- 1.3 This report proposes the creation of a Shadow Licensing Committee, a Shadow Planning Committee, and a Shadow Audit and Governance Committee, to allow for decisions to be made, in the Shadow Period, should the need arise.

2 CREATION OF SHADOW COMMITTEE FUNCTIONS

- 2.1 It is proposed to establish two Shadow Licensing Committees (North and South), each to separately cover what will have been the administrative area of SCDC and the administrative area of WDC. Each Committee be made up of the current Members of the SCDC Licensing and Health Committee and the WDC Licensing Committee, respectively. Each Committee can be convened during the period 1 April 2019 to 6 May 2019, to consider any business, and will be able to delegate its functions to sub-committees of three members plus a substitute, in the event that a hearing needs to be called.
- 2.2 This includes the hearing and determination of applications in accordance with statutory requirements in respect of the Licensing Act 2003, Gambling Act 2005, The Local Government (Miscellaneous Provisions) Act 1976, Part II and The Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 and any other miscellaneous licensing functions which currently fall to the Licensing and Health Committee of SCDC, or the Licensing Committee of WDC to be determined. Any decisions made by the Shadow Licensing Committees will be made in accordance with the policies adopted by the Shadow Authority at its meeting on 3 December 2018.
- 2.3 It is proposed that the terms of reference for each of the Shadow Licensing Committees be the same as the terms of reference currently used by the Licensing and Health Committee of SCDC and the Licensing Committee of WDC, before their abolition on 1 April 2019.
- 2.4 Substitutes can be made on either Shadow Licensing Committee, subject to the rules which SCDC and WDC each had, respectively, in relation to the making of substitutions, and provided that any substitute Member has had the necessary training in licensing.
- 2.5 Each Shadow Licensing Committee will need to elect a Chairman and a Vice-Chairman at their first meeting. The quorum for each Shadow Licensing Committee will be one quarter of the total membership.

- 2.6 It is proposed to establish two Shadow Planning Committees (North and South), each to separately cover what will have been the administrative area of SCDC and the administrative area of WDC. Each Committee will be made up of the current Members of the SCDC Planning Committee or the WDC Planning Committee, respectively, and will be convened in the period 1 April 2019 to 6 May 2019, to consider any business. This includes the hearing and determination of planning applications in accordance with statutory requirements under the Town and Country Planning Act 1990.
- 2.7 The terms of reference for each of the Shadow Planning Committees will be the same as those used currently by the Planning Committee of SCDC and the Planning Committee of WDC, before their abolition on 1 April 2019.
- 2.8 Any decisions made by the Shadow Planning Committees will be made in accordance with the policies adopted by the Shadow Authority on 3 December 2018.
- 2.9 Substitutes can be made on either Shadow Planning Committee, subject to the rules which SCDC and WDC each had, respectively, in relation to the making of substitutions and provided that any substitute Member has had the necessary training in planning.
- 2.10 Each Shadow Planning Committee will need to elect a Chairman and a Vice-Chairman at their first meeting. The quorum for each Shadow Planning Committee will be one quarter of the total membership of the Committee.
- 2.11 It is proposed to establish a single Shadow Audit and Governance Committee which will be made up of 14 Members of the Shadow Authority, seven of whom will be the Members of SCDC's Audit and Governance Committee and seven of whom will be the Members of WDC's Audit and Governance Committee
- 2.12 The terms of reference for the Shadow Audit and Governance Committee will be the same as those used currently by the Audit and Governance Committees of SCDC and WDC, before their abolition on 1 April 2019.
- 2.13 Any decisions made by the Shadow Audit and Governance Committee will be made in accordance with the policies adopted by the Shadow Authority on 3 December 2018.
- 2.14 Substitutes can be made at the Shadow Audit and Governance Committee, subject to the rules which SCDC or WDC each had, respectively, in relation to the making of substitutions.
- 2.15 The Shadow Audit and Governance Committee will need to elect a Chairman and a Vice-Chairman at its first meeting. The quorum for the Shadow Audit and Governance Committee will be one quarter of the total membership of the Committee.

3 FINANCIAL AND GOVERNANCE IMPLICATIONS

- 3.1 It is considered necessary to establish appropriate governance arrangements during the Shadow Period.

4 REASON FOR RECOMMENDATION

- 4.1 The recommendations enable the ESC to function appropriately in the Shadow Period.

RECOMMENDATIONS

That the following Shadow Committees are established by the Shadow Authority in accordance with what is set out in 2.1 to 2.15 of this report:

- a. Shadow Licensing Committees (North and South) including Licensing Sub-Committees as appropriate
- b. Shadow Planning Committees (North and South)
- c. Shadow Audit and Governance Committee

BACKGROUND PAPERS (List below those documents for which the report author has materially relied upon to produce the report and which are available for the public to view – Do NOT include documents which contain ‘exempt’ information)

Please note that copies of background papers have not been published on the Council’s website but copies of the background papers listed below are available for public inspection free of charge by contacting the relevant Council Department.

Date	Type	Available From
25/05/18	The East Suffolk (Local Government Changes) Order 2018	https://www.legislation.gov.uk/ukdsi/2018/9780111167564/contents