

# East Suffolk Council Constitution Appendices

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## **APPENDIX A - COMMITTEE TERMS OF REFERENCE**

### **APPOINTMENTS COMMITTEE**

#### **Introduction**

The purpose of the Appointments Committee is to oversee the appointment and dismissal of the Council's statutory officers and Strategic Directors.

#### **Main Functions**

- Recommends to Council that it confirms the appointment of the Head of Paid Service, Chief Finance Officer (also known as the Section 151 Officer), Monitoring Officer.
- Appointing Strategic Directors

#### **Appointment/Dismissal of Officer Appointed by this Committee**

The Appointments Committee will recommend to Council that it confirms the appointment of the Head of Paid Service, Chief Finance Officer, Monitoring Officer and Strategic Directors.

For the consideration of and advice to Council regarding the dismissal of Officers originally appointed by this Committee, this Committee will co-opt two independent persons and then will constitute 'the Panel' for the purposes of the Local Authorities (Standing Orders) (England) Regulations 2015 and will act accordingly.

The Committee will be comprised of three Members (politically balanced). Membership would normally comprise:

- Leader or Deputy Leader of the Council in their absence.
- Cabinet Member for the Service Area concerned or another Cabinet Member in their absence.
- One Member of the Opposition (or nominated substitute in their absence).

Each of the three Members of the Appointments Committee will have one vote and the Chair will be the Leader/Deputy Leader of the Council.

Any Member appointed to the Appointments Committee will be asked to undertake refresher training regarding the interview process, prior to sitting on the Appointments Committee, in accordance with good practice and to ensure that the recruitment process is fair and robust.

Where External Stakeholder Panels form part of the recruitment process, the Leader may invite other Members to participate in the informal part of the process.

## **AUDIT AND GOVERNANCE COMMITTEE**

### **Introduction**

The purpose of the Audit and Governance Committee is to provide an independent and high-level focus on audit, assurance and reporting arrangements that underpin good governance and financial standards.

### **Main Functions**

- Provides independent assurance of the adequacy of the risk management framework and the internal control environment.
- Provides independent review of the Council's governance, risk management and control frameworks
- Oversees the financial reporting and annual governance processes.
- Oversees internal audit and external audit, helping to ensure effective relationships exist and efficient and effective assurance arrangements are in place.

### **Membership and Meetings**

The Audit and Governance (A&G) Committee is independent of Cabinet. No Member of the A&G Committee (or their designated substitute) should be a Member of the Cabinet. Membership shall be in accordance with the political balance rules. The A&G Committee will consist of nine Councillors plus two non-voting co-opted (independent) members. Quorum is five voting Members.

The A&G Committee shall meet at least four times each municipal year, with the authority to convene additional meetings as circumstances require.

### **Responsibilities**

The A&G Committee will have various responsibilities in the following areas:

#### **Financial Management**

- Review the Annual Statement of Accounts and consider if they reflect appropriate accounting principles.
- Review significant accounting and reporting issues, including complex or unusual transactions and judgements made in connection with the preparation of the Annual Statement of Accounts.
- To consider the External Auditor's report, including any difficulties encountered.
- To review and monitor the Council's treasury management policies and practices.

#### **Internal control, governance and risk management**

- To consider the effectiveness of the Council's internal control system, including information technology security and control.
- To review the Council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.
- To review the Annual Governance Statement prior to approval and consider whether it properly reflects the Corporate Risk Register, taking into account Internal Audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.
- To monitor the effective development and operation of risk management within the Council.
- To monitor progress in addressing risk-related issues reported to the A&G Committee.
- To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- Review the effectiveness of the system for monitoring compliance with laws and regulations and the results of management's investigation and follow-up of any instances of non-compliance.
- Review the findings of any reports provided by regulatory agencies, and any auditor.

#### **Internal Audit**

- To review and approve the Internal Audit Mandate and Charter to ensure that it is appropriate to the needs of the organisation.
- To review and approve the annual internal audit plan and any major changes to it.
- To ensure that Internal Audit has unrestricted scope, the necessary resources and access to information to enable it to fulfil its function and is equipped to perform in accordance with appropriate professional standards for internal auditors.
- To consider the effectiveness of Internal Audit.
- To consider reports from the Head of Internal Audit on Internal Audit's performance during the year. These will include:
  - Updates on the work of Internal Audit including key findings, issues of concern and actions taken by management as a result of Internal Audit work.
  - Regular reports on the Quality Assurance Improvement Programme.
  - Reports on instances where the Internal Audit function does not conform to the Global Internal Audit Standards and accompanying Application Note, considering whether non-conformance is significant enough that it must be included in the Annual Governance Statement.
- To consider the Head of Internal Audit's Annual Report:
  - The statement of the level of conformance with the Global Internal Audit Standards and Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement.
  - The opinion of the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of work supporting the opinion – these will assist the Committee in reviewing the Annual Governance Statement.

- To receive reports outlining the action taken where the Head of Internal Audit has concluded that Officers have accepted a level of risk that may be unacceptable or there are concerns about progress with the implementation of agreed actions.
- To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of Internal Audit that takes place at least once every five years.
- To receive as a standing agenda item, the status of internal audit recommendations, with accompanying Officer's responses.
- Review the assessment of fraud risks and potential harm to East Suffolk Council from fraud and corruption.
- Monitor the counter-fraud strategy, activity and resources.
- Review the Council's Whistleblowing Policy.
- Review the Council's Anti-Money Laundering Policy.
- To ensure the Head of Internal Audit has free and confidential access to the Chair of the A&G Committee.
- Meet with the Head of Internal Audit at least once a year without the presence of other Officers.

### **External Audit**

- To review the performance of the External Auditors and consider the appointment or discharge of the External Auditors.
- To review the External Auditor's proposed scope and approach, including coordination of audit effort with Internal Audit.
- To consider the External Auditor's Annual Audit Letter, relevant reports, and the report to those charged with governance.
- Review and monitor Officer's responsiveness to External Audit's findings and recommendations.
- Review and confirm the independence of External Audit by obtaining statements from the auditors on relationships between the auditors and the Council, including non-audit services.

### **Standards Functions**

- Make recommendations to the Council on the adoption or revision of the Officers' Code of Conduct and Member/Officer Protocol.
- Review the Council's protocols for Councillors dealing with planning and rights of way matters.
- Consider appeals against the Monitoring Officer's refusal to grant a written application made by a Member of the Council for a dispensation under s33 of the Localism Act 2011.
- Receive reports summarising the results of the allegations made and investigations conducted into possible breaches of the Members' Code of Conduct and to determine those cases referred to it by the Council's Monitoring Officer.
- Receive reports on declarations of interests made and gifts or hospitality received by Members and Officers.

## Reporting Responsibilities

- To report to those charged with governance on the A&G Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and Internal Audit and External Audit functions.
- To report to Council on a regular basis on the A&G Committee's performance in relation to the terms of reference of the Committee in meeting its purpose.

## LICENSING COMMITTEE

### Introduction

The purpose of the Licensing Committee is to consider policy issues on licensing matters alongside the hearing and determination of licensing applications in accordance with statutory requirements.

### Main Functions

- Determines policy in relation to licensing matters
- Delegates to a Licensing Sub Committee comprising of three Members drawn from the wider Committee to determine licenses (for example individual applications made under the Licensing Act 2023 and Gambling Act 2005).

The Licensing Committee will consist of 15 Councillors. Quorum is five. Members of the public have the right to address the Licensing Committee on any application in which they have an interest.

The Licensing Committee has the power to/responsibility for:

- License hackney carriages and private hire vehicles
- License drivers of hackney carriages and private hire vehicles
- License operators of hackney carriages and private hire vehicles
- License sex shops, sexual entertainment venues and sex cinemas
- License performances of hypnotism
- Register premises and persons for acupuncture, tattooing micropigmentation/ semi-permanent makeup, cosmetic piercing (including ear-piercing) and electrolysis
- License pleasure boats and pleasure vessels
- License market and street trading
- License scrap yards
- License premises for the breeding of dogs
- License pet shops
- License horse riding establishments
- License animal boarding establishments
- License zoos

- License dangerous wild animals
- License persons to collect for charitable and other causes
- Approve food establishments
- Keeping a register of food business establishments
- Register food business premises
- Discharge the licensing functions under the Gambling Act 2005
- Discharge the licensing functions under the Licensing Act 2003
- Control of pollution, statutory nuisances and other environmental protection where they involve:
  - Clearance of properties and the making of demolition orders and prohibition orders; and
  - Regulation and enforcement of the opening hours of shops
- The formation and review of licensing policy in accordance with the provisions of the Licensing Act 2003 and the Gambling Act 2005.
- The formation and review of licensing policies in relation to all licensing functions (with delegated authority being given to the Head of Legal and Democratic Services to make minor changes to the licensing policies arising from legislative changes, having first consulted with the Chairman of the Licensing Committee).

### **Licensing sub-committee**

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 are delegated to be heard and determined by a sub-committee of three Members drawn from a pool of the 15 Members from time to time sitting on the Licensing Committee.

A substitute Member will also be nominated for each hearing but will only take part in the proceedings should one of the three Members be unable to take part.

Members of the public have the right to address the Licensing Sub-Committee on any application in which they have an interest.

The Licensing sub-committee shall be responsible for functions in connection with other environmental protection where they involve:

- Determining an application from a person for a licence, approval, consent, permission or registration;
- Direct regulation of a person; or
- Enforcement of any such licence, approval, consents, permission or direct regulation.

The Licensing sub-committee shall exercise on behalf of the Council the issue, renewal or revocation or suspension of licences and the registration of persons and premises for public control purposes.

## **OVERVIEW AND SCRUTINY COMMITTEE**

### **Introduction**

The purpose of the Overview and Scrutiny Committee is to hold public-service decision-makers and providers to account and facilitate the improvement of public services in East Suffolk. Effective scrutiny enhances accountability, ensures transparency of decision-making, contributes to service improvement, and acts as a 'check and balance' on decision-makers.

### **Main Functions**

- Reviews and/or scrutinises decisions made, or actions taken in connection with the discharge of any of the Cabinet functions.
- Makes reports and/or recommendations to the Full Council or the Cabinet in connection with the discharge of any functions.
- Makes reports or recommendations to the Full Council or the Cabinet with respect to matters affecting the area or its inhabitants.

### **Membership and Meetings**

The Overview and Scrutiny Committee comprises 13 councillors. Quorum is five. No member of the Overview and Scrutiny Committee (or their designated substitute) may be a Member of the Cabinet. Membership shall be in accordance with the political balance rules. The Chair of Scrutiny Committee shall be a member of an opposition group.

This Committee will discharge the functions conferred on the Council by Section 21 of the Local Government Act 2000, and any relevant regulations.

### **General Role of the Scrutiny Committee**

Within its terms of reference, the Overview and Scrutiny Committee may:

- Review or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions.
- Make reports or recommendations to the Council or the Cabinet or any policy, joint or area committee in connection with the discharge of any functions.
- Consider any matter affecting the Council area.
- Consider petitions created in line with the Council's petition scheme, which have attracted over 600 and up to 1199 signatures, and make recommendations to the Council or Cabinet.
- Exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet or Cabinet Members exercising delegated powers.
- Create any Task & Finish or Research Groups as required in connection with any functions that are the responsibility of the Overview and Scrutiny Committee.
- Consider matters referred under s21A of the Local Government Act 2000 (Councillor Call for Action).

- Be the Council's designated Crime & Disorder Committee for the purposes of the Police & Justice Act 2006.

### **Appointments to Outside Bodies**

The Council has decided that the Scrutiny Committee will collectively appoint to the following outside bodies:

- Suffolk County Council Health Scrutiny Committee

### **Specific Functions of the Overview and Scrutiny Committee**

#### **Overview**

- Assist the Council and the Cabinet in the development of its Budget and Policy Framework where appropriate by in-depth analysis of policy issues.
- Conduct community research and other consultation in the analysis of policy issues and possible options.
- Consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
- Question Members of the Cabinet or Committees or Chief Officers about their views on issues and proposals affecting the district.
- Liaise with external organisations, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

#### **Scrutiny**

- Review and scrutinise the decisions made by Cabinet and Cabinet Members exercising delegated powers, and the performance of Council Officers in relation to the impact of individual decisions on the performance of a Council service.
- Review and scrutinise the performance of the Council and the Cabinet in relation to its policy objectives, performance targets or particular service areas.
- Question Members of the Cabinet or Committees and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.
- Make recommendations to the Cabinet or Council arising from the outcome of the scrutiny process.
- Review and scrutinise the performance of other public bodies in the Council's area and invite reports from them by requesting them to address the Scrutiny Committee about their activities and performance.
- Question and gather evidence from any person (with their consent).

## **PLANNING COMMITTEE**

### **Introduction**

East Suffolk Council has two area Planning Committees known as Planning Committee North and Planning Committee South. The purpose of each area Planning Committee is to make decisions as the local planning authority on planning applications, development control and similar regulatory matters.

### **Main Functions**

- Determine Planning applications and/or delegate to Officers in terms of who considers an application.

### **Strategic Planning Committee**

- There is also a Strategic Planning Committee which covers the whole District.
- The purpose of the Strategic Planning Committee is to consider, advise or determine applications on matters which impact the whole of the district and monitor the work of the area planning committees and the Council's planning service.
- The Strategic Planning Committee comprises the nine members from Planning Committee North and Planning Committee South plus the Cabinet Member for Planning and Coastal Management. Quorum is seven.

### **General Delegations**

There will be a pool of at least 25 of its Members nominated by the political groups, according to the political balance of the Council, to be available to serve on the area Planning Committees, from which 9 Members will be drawn, also according to the political balance of the Council, to serve on each of the area Planning Committees. Quorum is five.

The Terms of Reference for the area Planning Committees shall be subject to any restrictions set out in this Constitution including matters reserved for Council or for Officers of the Council.

Each Planning Committee has responsibility for the delegated functions set out in these Terms of Reference within its designated area, provided that the Planning Referral Panel can decide that a specific Planning Committee can determine an application or matter which is outside of its designated area, because of the location or impact of that application or matter, including those that may be referred to the Strategic Planning Committee due to their impact on a wider area.

The Strategic Planning Committee may at any time review and make changes to the allocation of parishes within the North and South Planning Committee areas.

## **Planning Committee North and Planning Committee South**

Each area Planning Committee shall meet at least monthly; Planning Committee North shall meet on the second Tuesday of each month and Planning Committee South shall meet on the fourth Tuesday of each month, with additional meetings being called as necessary.

### **Functions of the Planning Committees**

- To determine and advise the Council on all planning and development management applications and any local development proposals and other applications under the Town & Country Planning Act 1990, Town & Country Planning Development Orders and all subordinate legislation (including the Town & Country Planning Act (Public Path Orders) Regulations 1993) and other associated legislation relating to planning, development and building control, including local plans and the National Planning Policy Framework, and including applications in relation to advertisements, listed buildings and any other notices, orders, certificates demands, permissions, consents and grants under any such legislation.
- To carry out the duties and powers of the Council as the local planning authority under the Town and Country Planning Act 1990, and its duties and powers under the Listed Buildings and Conservation Areas Act 1990, the Building Act 1984, Building Regulations and other subordinate legislation.
- To exercise the powers and duties of the local planning authority in relation to the planning of sustainable development within the policies of the local development documents; local development monitoring reports and neighbourhood planning.
- To deal with matters relating to the designation and management of conservation areas and building conservation.
- To deal with matters relating to tree preservation orders and consents to all work affecting protected trees, statutory notices, highways, hedgerows, reclamation of derelict land, enforcement, structures used for unauthorised display, unauthorised advertisements, defacement of premises, removal of signs at the request of the owner or occupier of premises, deposited plans under the Health & Safety at Work Act 1974, Building Act 1984 and Building Regulations or other subordinate legislation, public rights of way including stopping up and diversions, registration of common land and town/village greens, the creation, stopping up and diversion of highways and other related matters, including without limitation those specified in Schedule 1, Part 1A of the Local Authorities (Functions & Responsibilities) (England) Regulations 2000 relating to town and country planning and development control functions.
- To represent the Council in any appeal against determination of a planning application or matter.
- To delegate these functions, where appropriate, to employees of the Council or any subcommittee.
- To confirm site specific/emergency Article 4 directions.

Each Planning Committee has:

- The power to impose any condition limitation or other restriction on any approval consent licence permission or registration granted in the exercise of those functions

and the power to determine any other terms to which any such approval consent licence permission or registration is subject.

- The power to determine whether, and in what manner, to enforce any failure to comply with any approval consent licence permission or registration granted or any failure to comply with the condition limitation or term to which a such approval consent licence permission or registration is subject or any other contravention in relation to a matter with regard to which the function has been exercised.
- The power to amend modify or vary any such approval consent licence permission or registration or any condition limitation or term to which it is subject and the power to revoke any such approval consent licence permission or registration

Each of the area Planning Committees shall have the power to decide to take enforcement action and to institute, defend, and conduct legal proceedings in furtherance of or arising from the discharge of functions delegated to it except where specific functions have been delegated to an employee of the Council.

### **Strategic Planning Committee**

The Strategic Planning Committee will be made up from the two area Planning Committees and should also include the Cabinet Member who is the holder of the Portfolio for Planning. The quorum will be seven.

Strategic Planning Meetings will be held quarterly or as necessary.

### **Functions of the Strategic Planning Committee**

- To consider and advise the Council and Cabinet where appropriate on planning matters impacting the whole of the district, including NSIP applications.
- (Where an application has been referred to the Strategic Planning Committee by the Planning Referral Panel due to its impact on a wider area) to determine and advise the Council on planning and development management applications and any local development proposals and other applications under the Town & Country Planning Act 1990, Town & Country Planning Development Orders and all subordinate legislation (including the Town & Country Planning Act (Public Path Orders) Regulations 1993) and other associated legislation relating to planning, development and building control, including local plans and the National Planning Policy Framework, and including applications in relation to advertisements, listed buildings and any other notices, orders, certificates demands, permissions, consents and grants under any such legislation.
- To review the performance of the Council's planning and rights of way services.
- To carry out an annual monitoring role in relation to the work of the Planning Committees.
- To consider the annual report by Officers of the Council on any planning obligations or conditions which are required by the Council, including a summary of progress in the receipt and use of financial sums or development in kind received in accordance with a planning obligation.
- To consider responses to Central Government consultations as appropriate.

- To approve, adopt, review, amend and revise codes of best practice and procedure for planning and other matters, including the Planning and Rights of Way Code of Practice, within its terms of reference and to make the same publicly available.
- To guide the Council in setting its planning policy objectives and priorities.
- To determine fees and charges which are relevant to planning and related matters.
- To review and monitor the operational impact of planning and development control and other policies and to recommend proposals for new initiatives and policy developments including new legislation or central government guidance and initiatives.
- To consider any recommendations made by reports from the Local Government and Social Care Ombudsman.
- To consider and advise on Planning Appeals.
- To review the training in planning matters undertaken by Members and the provision of information to Members who are appointed to the Planning Committees.
- To deal with matters relating to the review, designation and management of conservation areas
- To deal with the confirmation of Article 4 directions.
- To deal with applications for grants for repair or maintenance of buildings of architectural or historic interest and matters in connection with the acquisition, restoration and disposal of buildings (excluding terms for the acquisition or disposal of land and property) or materials for conservation purposes.

### **Special Provisions as to Membership**

Only Members who have undertaken the appropriate training in accordance with the Planning and Rights of Way Code of Practice may be appointed to any of the Planning committees.

### **Substitutes**

Substitutions are allowed to any of the Planning Committees, subject to being in receipt of appropriate training in accordance with the Planning and Rights of Way Code of Practice.

## APPENDIX B – COUNCIL FUNCTIONS

The Local Authorities Functions and Responsibilities Regulations 2000 and the amendment regulation 2008 set out statutory functions of a Council in Schedule One of the regulations. The following table shows where the responsibility lies for those functions (where these are shown in the table to be delegated to committees, refer to the relevant committee’s ‘Terms of Reference’ for further information):

	<b>Function</b>	<b>Responsibility</b>
A	Town and Country Planning and Development Control (Not including Nationally Significant Infrastructure Projects - NSIPs)	Council - delegated to Planning Committee
B	Licensing and Registration functions	Council - delegated to Licensing Committee
C	Health and Safety at work	Council - delegated to Licensing Committee
D	Functions relating to elections	Council
E	Functions relating to the name and status of areas and individuals	Council
EA	Functions relating to Community Governance	Council
F	Power to make, amend, revoke or re-enact bye-laws	Council
G	Power to promote or oppose local or personal Bills	Council
H	Functions relating to pensions etc.	Council
I	Miscellaneous functions as set out in Schedule One	Council - delegated to Licensing Committee

## EAST SUFFOLK COUNCIL SPECIFIC FUNCTIONS

In addition to the Statutory Functions above, the following functions are reserved for Council:

- Changing this Constitution;
- Adopting and making any changes to the Council’s Codes of Conduct and arrangements;
- Changing the Policy Framework;
- Setting the Capital Programme, Revenue Budget, Budget and Council Tax;
- Making decisions which would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget;
- Electing the Chairman and Vice Chairman of the Council each year at the annual meeting of the Council;
- Electing the Leader of the Council every four years at the Council’s Annual Meeting;
- Resolving to remove the Leader;
- Changing the terms of reference of the Council’s Committees and deciding on their composition and making appointments to them;

- Appointing to any working groups established by the Council;
- Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- Adopting a Members Allowances Scheme (having regard to the recommendations of an independent remuneration panel);
- Approving the appointment or dismissal of the Head of the Paid Service, the Monitoring Officer or the Section 151 Officer;
- Power to make standing orders including in relation to contracts;
- Power to agree and set the Budget for the Council's establishment;
- Power to appoint Independent Persons in terms of Code of Conduct issues;
- Power to appoint Officers for particular purposes (i.e. Proper Officers);
- Consideration and approval of Neighbourhood Plans;
- Authorising the making of payments or other benefits in cases of maladministration;
- Any other matter which, by law, must be reserved to the Council that has not been delegated elsewhere;
- Anything conducive or incidental to a Council function.

Any other functions not listed are by default a Cabinet function.

## APPENDIX C – CABINET RESPONSIBILITIES

The Local Authorities Functions and Responsibilities Regulations 2000 sets out functions which may be the responsibility of Cabinet under Schedule Two of the regulations. The following table shows where the responsibility lies for those local choice functions:

<b>Function</b>	<b>Responsibility</b>
Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1	Cabinet
The determination of an appeal against any decision made by or on behalf of the authority	Cabinet
Any function relating to contaminated land	Cabinet
The discharge of any function relating to the control of pollution or the management of air quality	Cabinet
The service of an abatement notice in respect of a statutory nuisance	Cabinet
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area	Cabinet
The inspection of the authority's area to detect any statutory nuisance	Cabinet
The investigation of any complaint as to the existence of a statutory nuisance	Cabinet
The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land	Cabinet
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Cabinet
The appointment of any individual a) to any office other than an office in which he is employed by the authority; b) to any body other than i) the authority; ii) a joint committee of two or more authorities; or c) to any committee or sub-committee of such a body, and the revocation of any such appointment	Cabinet
The making of agreements with other local authorities for the placing of staff at the disposal of those authorities	Cabinet
Any function of the local authority as a harbour authority (to the extent it does not fall within the first function in this table above.	Cabinet

### Discharging Cabinet Functions

#### Discharge by Officers

So that the Council can ensure that decisions of the Council are taken at the most appropriate level and in a timely manner, unless a function or power is expressly reserved to Members under this Constitution or by operation of law, it will be delegated to Officers in accordance with the Scheme of Delegation to Officers

The Finance Procedure Rules and Contract Procedure Rules of the Constitution impose limits on the amount of expenditure which Officers of the Council may authorise.

The Leader, or a Cabinet Member in respect of decisions within their Portfolio, may, prior to the decision being taken, give notice to the Monitoring Officer to the effect that the decision will no longer be taken by an Officer.

### **Discharge by Individual Cabinet Members**

Each Cabinet Member will be responsible for their decisions which sit with their Portfolio unless the decision:

- Relates to a proposal to alter the Council's budget and policy framework;
- Is to authorise expenditure in excess of £250,000
- Is likely to have a significant impact on the operation of the Council;
- Is likely to have a significant impact on the Portfolio of another Cabinet Member.

The Leader (on advice from the appropriate Chief Officer) shall resolve any ambiguity as to which Portfolio includes a particular decision or matter.

Where a matter or decision is likely to have an impact upon the responsibilities contained within the Portfolio of another Cabinet Member, but this impact is not considered to be significant as set out above, then the Cabinet Member holding the lead Portfolio may make the decision following consultation with the Cabinet Member(s) holding the other relevant Portfolios.

Cabinet Members should consult relevant Officers, the Monitoring Officer and the Chief Financial Officer prior to making any decisions. Where a Chief Officer, the Monitoring Officer, or the Chief Financial Officer, prior to the making of a decision, provides written advice to the effect that one of the exceptions above applies, then the decision in question will stand deferred until the next Cabinet meeting.

The Leader, or a Cabinet Member in respect of decisions within their Portfolio, may, prior to the decision being taken, give notice to the Monitoring Officer to the effect that the decision will no longer be taken by an individual Cabinet Member.

### **Discharge by full Cabinet**

All Cabinet decisions which are not delegated to Officers or Cabinet Members holding a particular Portfolio in the manner set out above will be taken by full Cabinet.

### **Other Arrangements**

The Cabinet may arrange for any decision that it is collectively responsible for to be taken by an individual Cabinet Member, a committee of the Cabinet or under joint arrangements with or by another authority.

### **Cabinet Procedure Rules**

The Cabinet and individual Cabinet Members will comply with the requirements of the Cabinet Procedure Rules of the Constitution in discharging Cabinet functions.

### **Services and Functions within Cabinet Responsibilities**

- Making proposals on the Policy Framework to the Council
- Preparation and recommendation to Council of the Budgets and Council Tax
- Preparation and recommendation to Council of the Capital Programme
- Agreeing strategies and plans at a level below the Policy Framework
- Preparation of a rolling Forward Plan and submission of quarterly report to Council
- Receipt of reports on liaison meetings with town and parish councils and with business interests
- Any function of a local authority in their capacity as a harbour authority
- Economic, environmental or social well-being
- Community Health and Community Safety
- Community Liaison and Development
- Theatres, arts and cultural development
- Economic Development and European issues
- Leisure and Sports
- Recreation and associated Services
- Tourism services and tourism development
- Emergency planning
- Car parks
- Travel concessions
- Public health and safety, environmental services, public conveniences, health service liaison
- Food Safety
- Health and Safety
- Port Health
- Cemeteries and closed churchyards
- Waste management and recycling including; household, commercial and industrial waste reduction, refuse, collection, recycling and disposal, septic tank and cesspool service, abandoned vehicles, pest control and dog warden services
- Implementation of the Environmental Policy
- Housing

- Private sector housing matters
- Estates management
- Travellers, Gypsies and Houseboats
- Treasury and debt management
- Asset management
- Revenues and Benefits
- Rating matters
- All residual finance matters (including the administration of the Council's Capital Grants Scheme and the allocation of Revenue Grants)
- The powers, duties and functions of the Council as Local Planning Authority (insofar as these relate to planning policy, positive planning, and conservation)
- Building Control (insofar as this relates to policy and the performance of the service)
- Town Centre Management
- The maintenance and lighting of highways and footways (residual or agency functions)
- Coast protection
- Land drainage
- Transportation
- Local Land Charges
- Major Project Co-ordination
- Human Resources (insofar as this relates to policies on recruitment, training, terms of employment, remuneration, employee relations, equal opportunities, health, safety and welfare, and the achievement of the Council's objectives)
- Corporate information and promotion functions
- Procurement and contracts management
- ICT operations and digital strategy
- Industrial relations
- Public Relations (PR) and communications
- Burial of the poor
- Energy conservation
- Grants

## **APPENDIX C – COUNCILLOR ROLE DESCRIPTIONS**

### **ELECTED MEMBER ROLE DESCRIPTION**

#### **Accountabilities**

- To the electorate of the Ward and District
- To the wider public
- To Full Council
- To the Political Group and Group Leader (where applicable)

#### **Role Purpose**

- To provide a bridge between the community and the Council
- To represent individual constituents and local organisations in a fair and equal way, undertaking casework on their behalf
- To represent the interests of the Ward and communities served
- If appointed, to attend and represent the Council at meetings of other partner organisations (outside bodies) as and where appropriate
- To communicate with members of the community on:
  - Council strategies, policies, services and procedures
  - Decisions that affect them and explain why those decisions are being taken
  - Opportunities in the community
  - The rights of constituents
- To be an advocate for the Council
- To proactively support the good governance of the District, through the formation and scrutiny of the Council's policies, plans, strategies, budget and service delivery
- To liaise with Member colleagues, Officers and partner organisations to ensure that the needs of the local community are identified, understood and supported

#### **Duties & Responsibilities**

- To promote and at all times maintain high standards of conduct in accordance with the Code of Conduct, acting with Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership
- To act as a link between East Suffolk Council and Town and Parish Councils in the Ward served
- To take account of any legal requirements that relate to this role such as General Data Protection Regulations, Safeguarding etc
- To use information technology in its various forms, including the use of social media, participating in the webcasting of Council meetings and video conferencing
- To attend and participate in meetings of the Council at both its offices - East Suffolk House in Melton and Riverside in Lowestoft – or any other location as required

#### **Governance, Ethical Standards and Relationships**

- To promote and support good governance of the Council and its business

- To promote community leadership and active citizenship
- To promote and at all times maintain high standards of conduct in accordance with the Code of Conduct, acting with Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership, and to adopt the highest standards of behaviour in public office
- To support and adhere to respectful, appropriate and effective relationships with Officers of the Council in accordance with the Protocol for Member/Officer Relations
- To uphold our values in terms of Equalities, Diversity and Inclusion

### **Skills and Knowledge**

East Suffolk Council has a significant Member Development Programme which has been designed to ensure all our Members have the following skills:

### **Representing and Supporting Communities**

- Good advocacy skills
- Interpersonal skills
- Integrity and ability to set aside own views and act impartially
- The ability to present relevant and well-reasoned arguments
- Good communication skills
- Knowledge and understanding of the democratic process and the Council's Constitution

### **Representing East Suffolk Council**

- Good public speaking skills
- Good presentation skills
- The ability to persuade others and act with probity
- The ability to travel around the District
- The need to be IT literate
- Understanding the role of external partners and other organisations in the public, private, charitable and voluntary sectors

### **Making Decisions and Overseeing Council Performance**

- Knowledge and understanding of procedures, legal requirements, rules and conventions for meetings
- The ability to scrutinise and challenge reports and ideas
- The ability to contribute positively to policy development

## **LEADER/DEPUTY LEADER ROLE DESCRIPTION**

### **Accountabilities**

- To the public
- To the Cabinet (through collective responsibility)
- To Full Council

### **Role Purpose**

- To be the leading political figurehead(s) for the Council as a whole and the principal political spokespersons for the Administration
- To provide strong, clear political leadership in the co-ordination of Council policies, strategies and service delivery
- To provide visible leadership in relation to the Council and its citizens, stakeholders and partners in the overall delivery of Council policies, strategies and service delivery

### **Duties and Responsibilities**

- To appoint the Cabinet (Leader)
- To appoint the Deputy Leader (Leader)
- To designate appropriate Cabinet portfolio groupings
- To appoint Cabinet Members to specific portfolios having regard to their abilities, expertise and past work/life experiences
- To have a thorough knowledge of the Constitution and the decision-making processes within the Council
- To ensure effective running of the Cabinet by overseeing the Forward Plan of Key and Exempt Decisions
- To chair meetings of the Cabinet in line with Council procedures and the Constitution
- In conjunction with other Cabinet Members, to ensure the development of effective Council policies, the budgetary framework and delivery of high-quality services to local people
- To represent the Council in the community and in discussions with regional, national and international organisations and others to pursue matters of interest to the Council and its communities
- To liaise regularly with the Chief Executive – giving and receiving advice on the management of the Council and delivery of Council services
- To challenge the status quo, thinking creatively and taking advantage of opportunities, and to help create an organisational culture which can enable this approach
- To develop and maintain effective relationships with Officers, other Councillors, partners and other public sector bodies, local businesses and voluntary and community groups and the general public in the area

The Deputy Leader will assist the Leader of the Council in discharging the above duties and in the absence of the Leader, the Deputy Leader will assume responsibility.

These duties and responsibilities are in addition to those detailed in the role description for an Elected Member.

## **CABINET MEMBER ROLE DESCRIPTION**

### **Accountabilities**

- To the public
- To the Leader
- To the Cabinet (through collective responsibility)
- To Full Council

### **Role Purpose**

- To be responsible for developing and implementing Council policies, strategies and service delivery within allocated Cabinet portfolios
- To give leadership and political direction to Officers and be accountable for choices and the performance of their relevant portfolio
- To act as a spokesperson both within and outside the Authority on matters covered by their portfolio

#### **Duties and Responsibilities**

- To take individual responsibility for a specific Cabinet portfolio and share in undertaking executive responsibility for developing and progressing overall strategy, budget, policies, service delivery and priorities
- To give direction on, and ensure the development of the vision for, those services within their portfolio so that they are consistent with the Council's overall strategic approach
- To work as a team with other Cabinet Members and to recognise and contribute towards issues which cut across portfolios or are issues of collective responsibility
- To liaise with the Chief Executive, Strategic Directors and Heads of Service to ensure the effective management of the delivery of those services within the portfolio throughout the district
- To speak on behalf of the Council in relation to portfolio responsibilities including representing the portfolio at Full Council and other meetings, representing the Council to the media and on relevant external bodies, and to develop and maintain effective working relationships with the public, local businesses, the media, and voluntary and community groups in the area
- To encourage public participation and consultation and to ensure effective communication of Council policies and strategies to all Councillors, employees, residents, partner organisations and other stakeholders to ensure they are widely understood and positively promoted
- To participate in Committee meetings of the Council e.g. Scrutiny Committee and other Committees when requested to do so
- To have a thorough knowledge of the Constitution and the decision-making processes within the Council
- To be called to account for decisions made on behalf of the Cabinet or as an individual Cabinet Member
- To work closely with and support Assistant Cabinet Members to ensure they are effective in their role

These duties and responsibilities are in addition to those detailed in the role description for an Elected Member

### **ASSISTANT CABINET MEMBER ROLE DESCRIPTION**

#### **Accountabilities**

- To the public
- To the Leader
- To the Cabinet (through collective responsibility)

- To the Cabinet Member they assist
- To Full Council

#### **Role Purpose**

- To assist the Cabinet Member in being responsible for developing and implementing Council policies, strategies and service delivery within allocated Cabinet portfolios
- To assist the substantive Cabinet Member in giving leadership and political direction to Officers and to be accountable for choices and performance of relevant portfolio
- To act as a spokesperson in consultation with the Cabinet Member both within and outside the Authority on matters covered by their portfolio

#### **Duties & Responsibilities**

- To assist in taking responsibility for a specific Cabinet portfolio and share in undertaking executive responsibility for developing and progressing overall strategy, budget, policies, service delivery and priorities
- To work in consultation with the Cabinet Member to give direction on, and ensure the development of the vision for, those services within their portfolio so that they are consistent with the overall strategic approach of the Council
- To work as a team with their Cabinet Member, other Cabinet Members and their Assistant Cabinet Members and to recognise and contribute towards issues which cut across portfolios or are issues of collective responsibility
- To support the Cabinet Member and to assist as necessary in speaking on behalf of the Council in relation to portfolio responsibilities including representing the portfolio at Full Council, representing the Council to the media and on relevant external bodies, and to develop and maintain effective working relationships with the public, local businesses, the media, and voluntary and community groups in the area
- To encourage public participation and consultation and to ensure effective communication of Council policies and strategies to all Councillors, employees, residents, partner organisations and other stakeholders to ensure they are widely understood and positively promoted
- To participate in Committee meetings of the Council e.g. Scrutiny Committee and other Committees where requested to do so, and to support the substantive Cabinet Member
- To have a thorough knowledge of the Constitution and the decision-making processes within the Council

These duties and responsibilities are in addition to those detailed in the role description for an Elected Member.

### **CHAIR/VICE-CHAIR OF THE COUNCIL ROLE DESCRIPTION**

#### **Accountabilities**

- To the public
- To Full Council

## **Role Purpose and Activity**

### **Acting as the Council's Civic Head**

- As the ceremonial head of the Council, to be non-political and uphold the democratic values of the Council
- To represent the Council at civic and ceremonial functions

### **Chairing Council Meetings**

- To preside over meetings of the Council so its business can be carried out efficiently
- To ensure the Council conducts its meetings in line with the Council's Standing Orders

### **Upholding and promoting the Council's Constitution**

- To ensure the Constitution is adhered to and, if necessary, to rule on the interpretation
- To act in the capacity of Chair for the Constitution Review working Group (Chair)

### **Internal Governance, Ethical Standards and Relationships**

- To promote and support good governance of the Council and its affairs
- To provide community leadership and promote active citizenship
- To promote and support open and transparent government
- To support, and adhere to respectful, appropriate and effective relationships with Officers of the Council
- To adhere to the Code of Conduct, Protocol for Member/Officer Relations and the highest standards of behaviour in public office

### **Work Programming**

To prepare and manage an annual work programme for the Council to meet its legal obligations (e.g. setting the budget and the Council Tax and making appointments)

The Vice-Chair will assume responsibility for the above duties in the absence of the Chair.

## **CHAIR/VICE-CHAIR OF AUDIT & GOVERNANCE COMMITTEE**

### **Accountabilities**

- To the public
- To Full Council
- To the Audit and Governance Committee
- To External Auditors

### **Role Purpose and Activity**

#### **Provide Leadership and Direction**

- To promote and support good governance by the Council

- To demonstrate independence, integrity and impartiality in decision making which accords with legal, financial, constitutional and policy requirements
- To provide confident and effective management of the Committee to facilitate inclusivity, participation and clear decision making
- To ensure thoroughness and objectivity in the Committee, receiving and responding to professional advice in the conduct of meetings and in the audit process
- To uphold and promote ethical governance and high standards in public office, particularly in relation to the Code of Conduct and the Protocol for Member/Officer Relations

**Lead the Audit & Governance Committee in its role to:**

- Review and scrutinise the Authority's financial affairs and make reports and recommendations in relation to them
- Review and assess the risk management, internal control and corporate governance arrangements of the Authority and make reports and recommendations to the Authority on the adequacy and effectiveness of these arrangements
- Oversee the Authority's internal and external audit arrangements
- Review the financial statements prepared by the Authority
- Consider and approve the unqualified Statement of Accounts and the Annual Governance Statement (if the Statement of Accounts is qualified it will be debated at a meeting of Full Council)
- Develop effective working relationships with Internal and External Auditors

**Manage the Work Programme**

- Develop a forward work programme designed to deliver the requirements of the Committee and to meet statutory requirements as appropriate
- Monitor progress against the work programme

**Governance, Ethical Standards and Relationships**

- Understanding of the financial risks associated with corporate governance, being satisfied that the Authority's assurance statements, including the Annual Governance Statement, reflect the risk environment and any activities required to improve it
- Develop the standing and integrity of the Committee and its decision making
- Understand the respective roles of Members, Officers and external parties operating within the Audit & Governance Committee's areas of responsibility
- Review and self-assess the performance of the Committee and its Members

**CHAIR/VICE-CHAIR OF OVERVIEW AND SCRUTINY COMMITTEE**

**Accountabilities**

- To the public
- To Full Council
- To the Overview and Scrutiny Committee

## **Role Purpose and Activity**

### **Provide Leadership and Direction**

- Provide confident and effective management of the Scrutiny Committee and Scrutiny activities
- Chair Scrutiny Committee meetings and develop and maintain a good working knowledge of the practices, procedures and functions which fall within the Committee's terms of reference
- Promote the role of Scrutiny within and outside East Suffolk Council, liaising effectively both internally within the Council and externally with the Council's partners, other public sector bodies and community organisations
- Develop a balanced work programme which includes Cabinet pre-decision scrutiny, policy development and review, investigative scrutiny and performance monitoring
- Demonstrate an objective and evidence-based approach to scrutiny
- Evaluate the impact and added value of scrutiny activity and identify areas for improvement

### **Manage the Work Programme**

- Oversee the development of a balanced work programme which takes account of relevant factors such as the work programme of the Cabinet and other committees, strategic priorities and risks and relevant community issues
- Monitor and report on progress against the work programme to Council
- Liaise with Officers, other Members, external partners and public sector bodies and community representatives to resource and deliver the work programme

### **Holding the Cabinet and Individual Cabinet Members to Account**

- Oversee the arrangements for consideration of any challenge to the validity of Cabinet decisions through the Call-in process

### **Effective meeting management**

- Ensure agendas contain clear objectives and outcomes for meetings
- Ensure that the necessary preparation is done for meetings
- Manage the progress of business at meetings; ensuring that meeting objectives are met and the Code of Conduct, rules of procedure and other constitutional requirements are adhered to
- Ensure that all participants have an opportunity to make an appropriate contribution

### **Community Leadership**

- To act as a focus for liaison between the Council, community and external bodies in relation to the Scrutiny function and in particular in relation to any 'Councillor Calls for Action'
- To build understanding and ownership of the Scrutiny function within the community
- To identify relevant community-based issues for scrutiny

- To promote the full involvement of external stakeholders such as service users, expert witnesses and partners in scrutiny activity

#### **Involvement and Development of Committee Members**

- To promote effective contributions from all Committee Members in both the Committee and any Task & Finish Groups
- To assess individual and collective performance within the Committee and facilitate appropriate development

#### **Governance, Ethical Standards and Relationships**

- Develop the standing and integrity of the Scrutiny Committee and its role in the Council's decision-making processes
- Understand the respective roles of Members, Officers and external parties operating within the Committee's areas of responsibility
- To support and promote good governance by the Council

### **CHAIR/VICE-CHAIR OF A REGULATORY COMMITTEE (PLANNING, LICENSING etc.)**

#### **Accountabilities**

- To the public
- To Full Council
- To Members of the Regulatory Committee

#### **Role Purpose and Activity**

##### **Provide Leadership and Direction**

- Provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- Understanding and appreciation of the regulatory framework, law and policies relevant to the quasi-judicial Committee
- Ensure consistency in the quality and effectiveness of decision making
- Ensure that applicants and other interested parties are clear on the procedures being followed and are satisfied as to the transparency of the regulatory process
- Demonstrate integrity and impartiality in decision making which accords with legal, constitutional and policy requirements
- Delegate actions to Sub-Committees as appropriate

##### **Promoting the Role of the Regulatory Committee and Quasi-Judicial Decision Making**

- Act as a representative for the Regulatory Committee, facilitating understanding of the role, the Committee and its quasi-judicial function
- Act within technical, legal and procedural requirements to oversee the functions of the Committee fairly and correctly
- Ensure thoroughness and objectivity in the Committee, receiving and responding to professional advice in the conduct of meetings and in individual cases/applications before formal Committee meetings

### **Effective Meeting Management**

- Manage the progress of business at meetings; ensuring that meeting objectives are met and the Code of Conduct, standing orders, rules of procedure, legal requirements and other constitutional requirements are adhered to
- Ensure that all participants have an opportunity to make an appropriate contribution (where applicable)
- Ability to conduct meetings in accordance with agreed procedures to ensure that applicants feel that they have been dealt with fairly and fully even if their application is refused and that they are clear on the outcome of their application

### **Governance, Ethical Standards and Relationships**

- Develop the standing and integrity of the Committee and its decision making
- Understand the respective roles of Members, Officers and external parties operating within the Committee's areas of responsibility
- Promote and support good governance by East Suffolk Council

## **CHAIR/VICE-CHAIR OF A COMMUNITY PARTNERSHIP**

### **Accountabilities**

- To the public
- To Full Council
- To the Community Partnership Board

### **Role Purpose and Activity**

#### **Provide Leadership and Direction**

- Provide confident and effective management of the Community Partnership, including by Chairing Community Partnership meetings and leading a solution focussed problem solving approach to tackling shared priorities
- Drive the activities of the Community Partnership and maintain a good working knowledge across all of the key areas of activity of the Community Partnership
- Champion and promote Community Partnerships within and outside East Suffolk Council, liaising effectively both internally within the Council and externally with the Council's partners (including Town/Parish Councils and other public sector bodies), businesses and voluntary and community organisations
- Develop a balanced work programme for the Community Partnership based on the priorities identified through the Community Partnership workshop as well as emerging local priorities
- Encourage organisations to work together on behalf of the local community, both jointly and within their individual areas of responsibility/speciality to tackle the collective priorities
- Commission further data and insight about the Community Partnership area as relevant to enable greater understanding of key issues
- Make recommendations to the Cabinet Member for Communities in relation to the allocation of the Community Partnership budget, monitor any allocations are

- spent according to plan that is set out, and lead bids for funding on behalf of the Community Partnership to the Strategic funding pot and other funding sources
- Contribute to the evaluation of the impact and added value of Community Partnerships and identify areas for improvement

#### **Managing the Work Programme**

- Develop a balanced work programme which takes account relevant factors such as the Councils Business Plan, Community Partnership priorities and the priorities of other the organisations/partnerships that make up the Community Partnership structure, as well as emerging community issues
- Monitor and report on progress against the Community Partnership work programme to Council and to the Community Partnership Board
- Liaise with Officers, other Members, external partners (including public sector bodies) and business/voluntary and community sector representatives to resource and deliver the work programme

#### **Effective Meeting Management**

- Work with relevant Officers to set agendas, ensuring clear objectives and outcomes for meetings and an engaging and solution focussed approach to achieving these objectives
- Ensure that the necessary preparation is done for meetings
- Manage the progress of business at meetings; ensuring that meeting objectives are met
- Ensure that all Community Partnership members act co-operatively, in an open and honest manner, value others' contributions and are prepared to learn from each other in seeking to achieve the objectives of the Partnership
- Ensure that all participants have an opportunity to make an appropriate contribution to meetings and Task and Finish Groups

#### **Community Leadership**

- To establish Community Partnerships as a focus for community leadership in East Suffolk
- Ensure that the Partnership focuses on the needs of the whole Community Partnership area, especially the marginalised and disadvantaged.
- Champion the work of the Community Partnership within and beyond East Suffolk
- To build understanding and ownership of Community Partnerships within the communities across the Community Partnership area
- To identify relevant emerging community issues for consideration at Community Partnership meetings
- To promote the full involvement of all key stakeholders, including residents, service users, expert witnesses and partners

#### **Involvement and Development of Community Partnership Members**

- To encourage effective contributions from partners in both the Community Partnership meetings and any Task & Finish Groups

- To identify and facilitate appropriate development for Community Partnership members

#### **Governance, Ethical Standards and Relationships**

- Develop the standing and integrity of the Community Partnership and its role in both the Council's decision-making processes and those of other key partners
- Understand the respective roles of Members, Officers and partners

### **MEMBER OF OVERVIEW AND SCRUTINY COMMITTEE**

#### **Accountabilities**

- To the public
- To Full Council
- To the Chair of the Scrutiny Committee

#### **Role Purpose and Activity**

- To participate fully in the activities of the Scrutiny Committee, the development and delivery of its work programme and any associated Task & Finish Groups
- To scrutinise the decision making of the Cabinet against the Budget and Policy Framework laid down by the Council and against performance targets and budgets
- To evaluate the validity of Cabinet decisions and challenge policies/decisions on a sound basis of evidence through the Call-in process where appropriate
- To assist in the scrutiny of the management and policy implementation of East Suffolk Council and of external organisations and to recommend changes and improvements
- To assist in the investigations referred to the Committee by the Cabinet, Council or Council Members
- To identify subjects for internal/external scrutiny review for inclusion in the work programme
- To assist in the scrutiny of Councillor Call for Action requests

#### **Participating in Meetings and Making Decisions**

- To participate effectively in meetings of the Scrutiny Committee, questioning and seeking clarification on matters before the Committee
- To make informed and balanced recommendations/decisions within the Committee's Terms of Reference, which accords with legal, financial, constitutional and policy requirements
- To develop and maintain a good working knowledge of the practices, procedures and functions which fall within the Scrutiny Committee's terms of reference
- The ability, as a Member of the Scrutiny Committee to require Cabinet Members to attend and be questioned on matters relating to their roles and responsibilities
- The ability, as a Member of the Scrutiny Committee, to require the Chief Executive, Strategic Directors and Heads of Service to attend and be questioned on matters relating to their roles, functions and responsibilities
- The ability, as a Member of the Scrutiny Committee, to call expert witnesses and invite advisors from outside the Council, or a Member of the Council not serving on the Committee, to provide advice on matters under review or discussion

- To add value to the decision making and service provision of the Authority through effective scrutiny
- To respect and treat all witnesses and participants in the Scrutiny process in a fair and equal way

#### **Promoting the Work of the Scrutiny Committee**

- To promote the role and scope of the Scrutiny Committee within and outside the Council, developing effective internal and external relationships

#### **Governance, Ethical Standards and Relationships**

- Develop the standing and integrity of the Scrutiny Committee and its role in the decision-making process
- Understand the respective roles of Members, Officers and external parties operating within the Committee's areas of responsibility
- To support and promote good governance by the Council
- To undertake appropriate training and professional development provided by East Suffolk Council and external bodies

### **MEMBER OF A REGULATORY COMMITTEE (PLANNING, LICENSING ETC)**

#### **1. Accountabilities**

- To the public
- To Full Council
- To the Chair of the Regulatory Committee

#### **Role Purpose and Activity**

##### **Understanding the Nature of the Regulatory Committee and Quasi- Judicial Decision Making**

- To be aware of the quasi-judicial nature of Regulatory Committee decision making
- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the Committee
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and individual cases/applications before the Committee
- Demonstrate integrity and impartiality in decision making which accords with legal, constitutional and policy requirements

##### **Participating in Meetings and Making Decisions**

- Understanding and appreciation of the regulatory framework, law and policies relevant to the quasi judicial Committee
- To participate effectively in meetings of the Committee, ensuring that both local considerations and policy recommendations are balanced to contribute to effective decision making
- To make informed and balanced decisions, within the terms of reference of the Committee, which accords with legal, constitutional and policy requirements

### **Governance, Ethical Standards and Relationships**

- Develop the standing and integrity of the Committee and its decision-making
- Understand the respective roles of Members, Officers and external parties operating within the Committee's areas of responsibility
- Promote and support good governance by East Suffolk Council
- To undertake appropriate training and professional development provided by East Suffolk Council and external bodies

## **LEADER/DEPUTY LEADER OF AN OPPOSITION GROUP ROLE DESCRIPTION**

### **Accountabilities**

- To the nominating group

### **Role Purpose**

- To be a political figurehead for an Opposition Group and to be a spokesperson for that Group
- To provide leadership in the constructive challenge of the Council's policies
- To undertake the functions of a Councillor and provide Leadership for that Group

### **Duties and Responsibilities**

- To provide strong, clear leadership to their Opposition Group on the Council
- To act as a spokesperson for their Opposition Group and as a representative of the Authority to external bodies and organisations as appropriate
- To work with, comment on, challenge and review the Council's controlling group's performance in the co-ordination and implementation of its policies and procedures
- To establish and represent the views of their Opposition Group on issues of policy and probity
- To have a good understanding of the roles of Members, Officers, external partners and agencies

### **Governance, Ethical Standards and Relationships**

- To promote and support good governance by East Suffolk Council
- To provide community leadership and promote active citizenship
- To promote and support open and transparent government
- To support and promote respectful, appropriate and effective relationships with employees of the Council
- To promote and support adherence to the Code of Conduct, the Protocol for Member/Officer Relations and the highest standards of behaviour expected in public life
- To promote and participate in Member development

The Deputy Leader of an Opposition Group will assist the Leader of that Opposition Group in discharging the above duties and in the absence of the Leader of an Opposition Group, the Deputy Leader of that Opposition Group will assume responsibility.

## APPENDIX D – CABINET PORTFOLIOS

PORTFOLIO	KEY RESPONSIBILITIES
Leader of the Council	Community Partnerships – Implementation Council Policy and Strategic Finance Council performance Communications Member Development Consultation and Parish Liaison Legal and Democratic Services
Deputy Leader and Housing	Housing Stock Tenant Services Building Services Housing Development Private Sector Housing Travellers Homelessness
Communities, Leisure and Tourism	Communities Tourism Young People / Apprentices / Youth Council Leisure Sport Theatre and arts
Community Health	Health and wellbeing Licensing Food and safety Port Health Health promotion / NHS Emergency planning Community Safety
Corporate Services -Digital, Customer Services, HR & Assets	Customer services Customer access Channel Shift Complaints Commercial partnerships IT and digital transformation
Planning and Coastal Management	Development Management Building Control Local Plan Design and Conservation Planning Policy

	<p>Coastal Management                  Coastal Partnership East                  Rights of Way</p>
<p>Resources and                  Value for Money</p>	<p>Value for Money                  Financial Compliance and Planning                  Medium Term Financial Strategy                  Council Tax and Business Rates                  Payables and Purchasing                  Capital Programme                  Treasury Management                  External Audit                  Welfare Reforms (Universal Credit)                  Anglia Revenues Partnership (ARP)                  Audit and Risk Management                  Counter Fraud                  Data Protection</p>
<p>The Environment</p>	<p>Environment protection                  Pollution control                  Waste management                  Joint Environmental Sustainability Policy                  Green agenda                  Countryside management                  Environmental Partnerships</p>
<p>Energy and                  Climate Change</p>	<p>Energy                  Joint Environmental Sustainability Policy                  Green agenda</p>
<p>Economic                  Development and                  Transport</p>	<p>Transport and infrastructure                  Car Parks                  Economic Development                  Regeneration                  Growth and Skills                  Enterprise Zones                  Energy                  Assets and property services</p>

## APPENDIX E – OUTSIDE BODIES

### Appointment to Outside Bodies

The Council has decided that the Cabinet will collectively appoint to the following outside bodies:

[Appointments to Outside Bodies \(Executive Functions\)](#)

## APPENDIX F - REGISTER OF SPECIFIC OFFICER FUNCTIONS

All planning application decisions including decisions concerning Environmental Impact Assessment (EIA) decisions or considerations requiring Habitat Impact Assessments (HRA) are delegated to the Head of Planning and Building Control UNLESS:

1. The Planning Application is, in the opinion of the Head of Planning and Building Control or the Chairman/Vice Chairman of the Planning Committee, of significant public interest; would have a significant impact on the environment; or should otherwise be referred to Members due to its significance in some other respect; or
2. The applicant or landowner is East Suffolk Council; or
3. The applicant, or agent, is an East Suffolk Councillor or an East Suffolk Council employee,
4. The 'minded to' decision of the Planning Officer is contrary to either:
  - a. The material planning consideration comments received from the Town or Parish Council within the 21-day consultation period; or
  - b. The material planning consideration comments received from the Ward Member within the 21-day consultation period; or
  - c. The material planning consideration comments received from a statutory consultee within the 21-day consultation period.

In which case, if item 4 is invoked, the Planning Application will be referred to the Planning Referral Panel – the panel will discuss with the Head of Planning and Building Control (based on planning grounds) to either refer the application to Planning Committee for decision or remain delegated to the Head of Planning and Building Control.

5. Within the 21-day consultation period [on a planning application] if a contrary position to the officer recommendation is received from the Town or Parish Council and a request for Committee decision is received from a Ward Member, then a Planning Committee member call-in process would be triggered. In the event that only a Town/Parish Council response or Ward Member response is received then the existing Referral Panel process would proceed.

With the Planning Committee member call-in process triggered, the Planning case officer would send a notification to all relevant North or South Planning Committee members by email.

This would be carried out once the officer is able to understand whether a decision will be contrary to Town or Parish Council and Ward Member positions.

The Notification shall include:

- The case reference number, the description of development and the address
- A link to Public Access to view the application and documents
- A copy of Town or Parish Council response
- A copy of the Ward Member response
- A sentence setting out the likely officer recommendation

After the notification has been sent, any member of the relevant North or South Planning Committee must respond within 5 working days if they wish to confirm that it should be considered by the Planning Committee. Any Planning Committee member calling the application in must 'reply to all' (including all members of the relevant Planning Committee) and the first response received will be taken as the call-in request.

A call-in request from a Planning Committee member must set out how they consider it meets the expectation that:

"The proposal would be of significant public interest; would have a significant impact on the environment; or should otherwise be referred to Members due to its significance in some other respect".

The above process could not be utilised where:

- a) the Head of Planning and Building Control or the Chair/Vice Chair of the Planning Committee, has already made the decision that in their opinion the application should be determined at Planning Committee because "The proposal would be of significant public interest; would have a significant impact on the environment; or should otherwise be referred to Members due to its significance in some other respect" (point 1 of the current scheme of delegation); or
- b) either the applicant or landowner is East Suffolk Council, or the applicant or agent is an East Suffolk Council employee: or the applicant, or agent, is a close relative of an East Suffolk Councillor or East Suffolk employee, (points 2 and 3 of the current scheme of delegation) because such applications have to be determined by Planning Committee in any case.

### **Planning Referral Panel**

The Planning Referral Panel is a consultative panel consisting of the Chairman and Vice Chairman of each area Planning Committee, convened by the Head of Planning and Building Control as necessary and established to advise on the delegated route of decision making for planning permission and other planning matters as part of the scheme of delegation.

Officers will use the Planning Referral Panel to consult with the Chairman and Vice Chairman of the committees as to whether the application or matter will be determined by the relevant Planning Committee or remain delegated to the Head of Planning and Building Control in

accordance with the Scheme of Delegation. The final decision on whether the relevant Planning Committee or the Head of Planning and Building Control shall determine the application or matter shall be made by the Head of Planning and Building Control as part of the consultation with the Planning Referral Panel.

The Planning Referral Panel will also consider whether it is appropriate for the relevant Planning Committee to undertake a site visit before the case is presented to the Planning Committee.

All consultations with the Planning Referral Panel will be recorded

### **Nationally Significant Infrastructure Projects (NSIPs)**

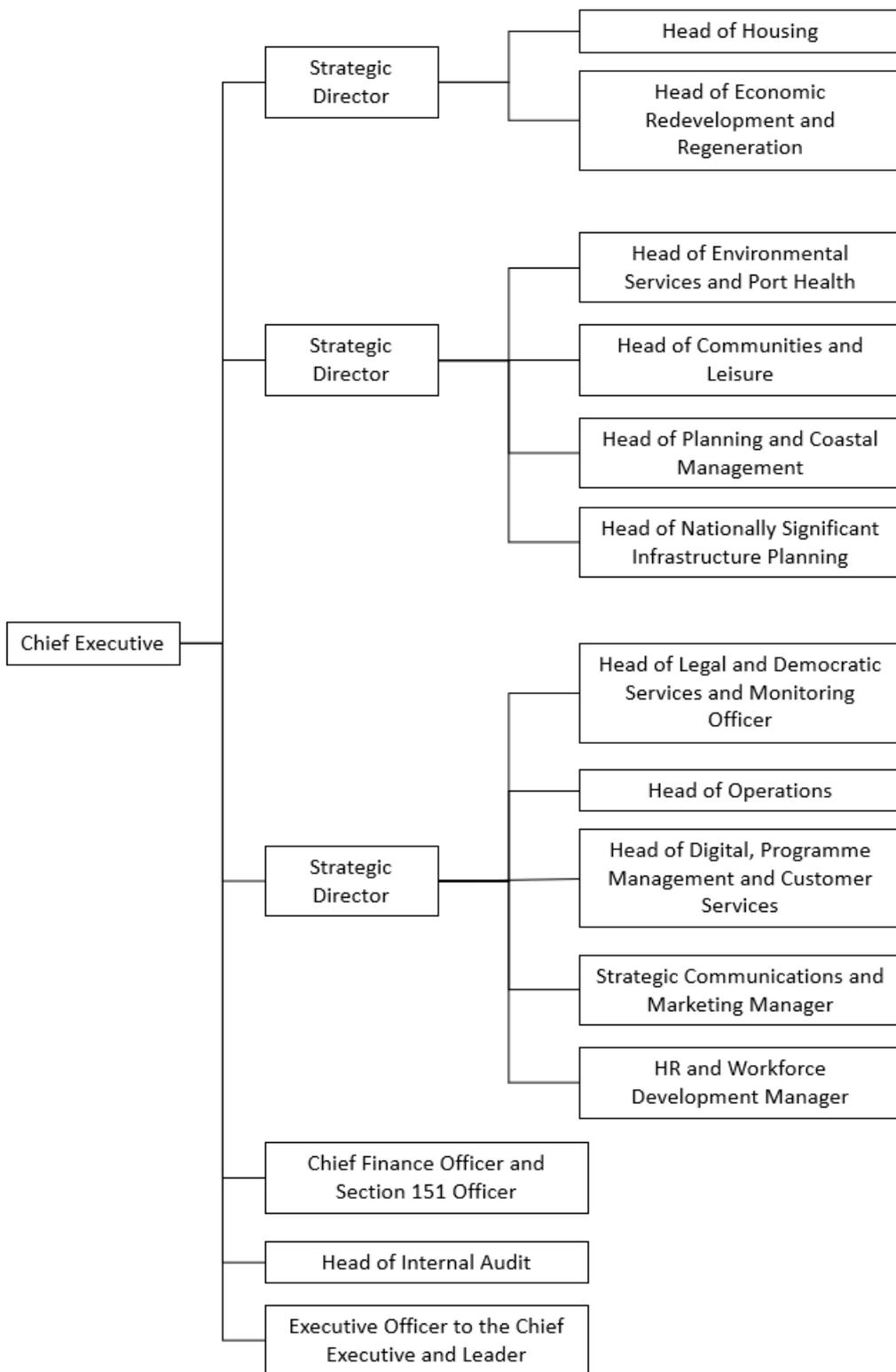
Responsibility for managing East Suffolk Council's engagement, responses and all decision making in relation to Nationally Significant Infrastructure Projects (NSIPs) during the different stages of the pre-application, consenting and post consent process, including:

- pre-application
- application submission and acceptance
- pre-examination
- examination
- recommendation and decision
- post decision including legal challenge

be delegated to the Head of Nationally Significant Infrastructure Planning in consultation with the Cabinet Member for Energy and Climate Change, with the exception of the local authority's initial Relevant Representation, where East Suffolk Council is the host authority and a significant proportion of the proposed onshore infrastructure is within East Suffolk, in which case a report will be taken to Cabinet at this stage.

If due to time limitations or following agreement with the Cabinet Member for Energy and Climate Change, it is deemed not possible to take the Relevant Representation to Cabinet, the decision on the response will be additionally agreed in consultation with the Leader of the Council.

## **APPENDIX G – SENIOR MANAGEMENT STRUCTURE**



Updated September 2024

## APPENDIX H – PROPER OFFICERS

There are various laws which require certain functions to be undertaken by the "Proper Officer" of the Council. The following is a list of designated Proper Officers in East Suffolk. In the event that a Proper Officer is not listed then the Proper Officer shall be the Strategic Director with responsibility for the subject matter in question or in the alternative the Head of Paid Service.

"Proper Officer" functions may be discharged by other Officers duly authorised to act in the name of the "Proper Officer" concerned.

**Local Government Act 1972**

<b>Section of the Act</b>	<b>Duty or function involving appointment of an Officer of the Council</b>	<b>The Proper Officer for the functions referred to and the Officer to act in the absence for any reason of the first named Officer</b>
13(3)	The Officer to act as a Parish Trustee with the Chairman of a parish meeting	Chief Executive
39	The Registration Officer for any constituency or part of a constituency coterminous with or contained in the district	Chief Executive
41(1)	The Returning Officer for the elections of councillors of the district and of councillors of parishes or committees within the district	Chief Executive Head of Legal and Democratic Services
83	Declaration of acceptance of office by chairman, vice-chairman or councillor of the district	Chief Executive Head of Legal and Democratic Services
84	Receipt of written notice of resignation of office by person elected to that office	Chief Executive Head of Legal and Democratic Services
88(2)	Convening of meeting of Council to fill casual vacancy in office of Chairman of the Council	Chief Executive Head of Legal and Democratic Services
89(1)(b)	Receipt of a notice in writing given by two local government electors for the district of a casual vacancy occurring in the office of councillor	Chief Executive Head of Legal and Democratic Services
96(1) & (2)	The Officer to whom a Member of the Council shall give written notice of interests in contracts	Chief Executive Head of Legal and Democratic Services
100B(7)(c)	Supply of documents to press	Head of Legal and Democratic Services Democratic Services Manager
100C(2)	Written summary of exempt proceedings	Head of Legal and Democratic Services Democratic Services Manager

100D(1)(a)	Compilation of list of and inspection of background papers	Head of Legal and Democratic Services Democratic Services Manager
100F(2)	Exclusion of document containing exempt information	Head of Legal and Democratic Services Democratic Services Manager
115(2)	Receipt of money due from Officers	S151 Officer
146(1)(a) and (b)	Declarations and certificates with regard to securities	S151 Officer
151	Arrangements for proper administration of Council's financial affairs	S151 Officer
191(2)	Functions with respect to ordnance survey	Head of Planning and Building Control
204(3)	Receipt of notice of application for justices' licence under Schedule 2 Licensing Act 1964	Chief Executive Head of Legal and Democratic Services
210	Charity functions of predecessor authorities transferred to the Council	Chief Executive Head of Legal and Democratic Services
212	The Officer to act as local registrar for local land charges	Head of Planning and Building Control
223(1)	Appearance of Council in legal proceedings	Head of Legal and Democratic Services
225(1)	Deposit of documents	Chief Executive Head of Legal and Democratic Services
228(3)	Accounts to be open to inspection	S151 Officer
229(5)	Certification of photographic copies of documents	Chief Executive Head of Legal and Democratic Services
234(1) and (2)	The Officer to sign any such notice, order or other document which the Council are authorised or required by or under any enactment to give, make or issue	Chief Executive Head of Legal and Democratic Services
236(9)(10)	To send copies of byelaws to Parish Councils	Head of Legal and Democratic Services Democratic Services Manager
238	Certification of byelaws	Head of Legal and Democratic Services Democratic Services Manager
248(2)	Keeping of Roll of Freeman	Chief Executive Head of Legal and Democratic Services
Schedule 6 Para 1	The Officer capable of deputizing for the registration Officer for carrying out his registration duties	Head of Legal and Democratic Services

Schedule 12 para 3(2), 4(2)(b)	Signature of summons to council Meeting	Chief Executive Head of Legal and Democratic Services
Schedule 12 para 4(3)	Receipt of notices regarding address to which summons to meeting is to be sent	Chief Executive Head of Legal and Democratic Services
Schedule 14, para 13	Taking action under s152(1), s157, s158(1), and s163(1) of the Public Health Act 1936	Head of Environmental Services and Port Health
Schedule 14 para 15	s162(1) of the Public Health Act 1936	Head of Environmental Services and Port Health
Schedule 14 para 25(7)	The Officer to certify in writing a true copy of resolution of the Council applying or disapplying provisions of the Public Health Acts 1875-1924	Head of Legal and Democratic Services Head of Environmental Services and Port Health
Schedule 14 para 38(1)(2)	Issuing of written certificates for the purposes of ss38(1) and (2) of the Public Health Acts 1875-1924	The Registered medical practitioner appointed by the Council for the purpose
Schedule 14 para 47(1)(2)	Issuing of written certificates for the purposes of the Health Services and Public Health Act 1968 Section (1) and (2)	The Registered medical practitioner appointed by the Council for the purpose
Schedule 16 para 28	The Officer to receive on deposit lists of buildings of special architectural or historic interest	Head of Planning and Building Control Head of Legal and Democratic Services
Schedule 22	The Officer for the purposes of s166(1) and (2) of the Housing Act 1957	Chief Executive Head of Legal and Democratic Services
Schedule 29 para 4(1)(a) and (c)	The Officer referred to as the Clerk of a Council or the Town Clerk of a Borough in any enactment passed before or during the 1971/72 Session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26 October 1972 and in any local statutory provisions	Chief Executive Head of Legal and Democratic Services

**Representation of the People Act 1983**

8(1) and	Appointment of electoral registration	
(2) (a)	Officer	
35(1)	Appointment of returning Officer	

**Local Government Finance Act 1988**

114	Officer responsible as regards Reports Reports	
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**Local Government and Housing Act 1989**

2(4)	Deposit of list of politically restricted posts	
4	Head of Paid Service	
5	Monitoring Officer	
15-17	Receipt of various notices relating to political groups under relevant Regulations	
19(1)	Receipt of notice of direct and indirect pecuniary interests	
and (4)		

**Local Government Act 2000**

The Officer to receive written notice from the Leader of the removal from the Cabinet of an individual Cabinet Member	Head of Legal and Democratic Services Democratic Services Manager
The Officer to call in a decision for scrutiny by the Scrutiny Committee in accordance with the Scrutiny Procedure Rules	Head of Legal and Democratic Services Democratic Services Manager
The Officer to receive reasonable notice that the Cabinet is to meet to make a decision	Head of Legal and Democratic Services Democratic Services Manager
The Officer to ensure that an item requires by a Cabinet Member is placed on the agenda for the next available meeting of the Cabinet	Head of Legal and Democratic Services Democratic Services Manager
The Office to ensure that an item requested by the Scrutiny Committee or by Council is placed on the agenda for the next available meeting of the Cabinet	Head of Legal and Democratic Services Democratic Services Manager
The Officer to call a meeting of the Cabinet requested by the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer in pursuance of their statutory duty	Head of Legal and Democratic Services Democratic Services Manager
The Office responsible for the recording and publicising of decisions made at private meetings of the Cabinet	Head of Legal and Democratic Services Democratic Services Manager
The Officer to receive notice from a member of the Scrutiny Committee that they wish an item to be placed on the agenda for the next available meeting of the Scrutiny Committee and to ensure that such item is included on the next agenda	Head of Legal and Democratic Services Democratic Services Manager
The Officer to receive written notice from the requisite number of members of the Council who are not members of the Scrutiny Committee that they wish an item to be included on the agenda of the Scrutiny Committee and to ensure that such item is included on the next agenda	Head of Legal and Democratic Services Democratic Services Manager

The Officer to receive the report of the Scrutiny Committee and to allocate such report to either both Cabinet appropriate regulatory committee or Council	Head of Legal and Democratic Services Democratic Services Manager
The Office to inform in writing a Member or Officer required to attend the Scrutiny Committee of that requirement	Head of Legal and Democratic Services Democratic Services Manager
Functions under the Local Authorities (Executive Arrangements) (Access to Head of Information)(England) Regulations 2000	Legal and Democratic Services Democratic Services Manager

#### **Countryside and Rights of Way Act 2000**

1	Access to the Countryside (Maps in Draft Form) (England) Regulations	Head of Planning and Building Control
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#### **The Local Authorities (Standing Orders) (England) Regulations 2001**

All sections	Giving notice to Cabinet in respect of Chief Officer appointments	HR Manager
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#### **The Magistrates' Courts**

To represent the Council in the Magistrates' Court in respect of Council Tax and Non-Domestic rates matters	To be appointed by the Monitoring Officer
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#### **The Health and Safety at Work Act 1974**

S19(1)	To carry out enforcement	Head of Environmental Services & Port Health Food & Safety Manager Health & Safety Manager Lead Food Officer Food & Safety Officer
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### **1. Notices, Authorisations, Determinations, Orders, Licences, Agreements, and Consents**

- a. For the avoidance of doubt the delegation of authority through the Officer structure includes the power to take all action necessary in connection with or ancillary to the following, subject always to powers reserved for exercise by the Council, Cabinet and Cabinet Member, and any committees established by the Council and to the framework set out in the Financial Procedure Rules and Contract Procedure Rules
- b. the instruction of the Monitoring Officer in respect of legal (or quasi legal) proceedings.
- c. the authorisation of Officers as may be required by statute (whether as "Proper Officers" or otherwise) to undertake certain roles, or to exercise or discharge any

- powers, duties or functions including investigatory or regulatory functions and affecting entry to land or premises;
- d. the issuing, service, variation, or withdrawal of any notice, direction, determination, requisition, ultimatum or demand;
  - e. the making, confirmation, variation or withdrawal of any order or regulation;
  - f. the formation, variation or termination of any contract or agreement;
  - g. the grant, variation, withdrawal, suspension or termination of any permission, authorisation, licence or consent.

## **2. Authorising Expenditure and Signing and Sealing Agreements**

- a. The Finance Procedure Rules and Contract Procedure Rules and individual Service schemes of financial delegation sets out the financial limits that Officers must work within and procedures that they must follow when authorising expenditure. In the absence of any requirement to the contrary, Officers may:
  - i. authorise expenditure of up to £30,000;
  - ii. in consultation with the Cabinet Member for the Portfolio to which the expenditure relates, authorise expenditure of up to £250,000.
- b. The Finance Procedure Rules and Contract Procedure Rules set out which documents can be signed by Officers within individual Services and which documents must be signed or sealed by the Head of Legal and Democratic Services.

## **3. Legal Proceedings and Protecting the Council's Interests**

- a) All matters in respect of the conduct of legal (or quasi legal) proceedings (including the authentication or execution of documents) are reserved to the Head of Legal and Democratic Services (and their duly authorised Officers) who shall be authorised to institute, defend, settle, discontinue or otherwise participate in any such proceedings or take any other action considered necessary to give effect to decisions or protect the interests of the Council.

## **4. Conflicts of Interest**

- a) Every Officer is responsible for identifying whether they have a conflict of interest in any matter which is under consideration, actual or perceived, within the Council, and notifying the Council (including under section 117 of the Local Government Act 1972) is necessary.
- b) Where an Officer has a conflict of interest in any matter, they shall not participate in that matter in their capacity as an Officer except with the prior approval of the Monitoring Officer or the Chief Executive.
- c) Where the Chief Executive is unable to act on a matter because of a conflict of interest, the matter shall be discharged by the appropriate Strategic Director or Head of Service, where the appropriate Strategic Director or Head of Service is unable to act the matter shall be discharged by the CMT collectively, or by such Officer as they shall determine for this purpose.
- d) Where a Head of Service is unable to act on a matter because of a conflict of interest, the Chief Executive shall discharge the matter themselves or allocate the matter to another Officer.
- e) Where the Monitoring Officer is unable to act on a matter in their statutory capacity under section 5 of the [Local Government and Housing Act 1989](#), the matter shall be

- discharged by the Officer designated by the Monitoring Officer as Deputy Monitoring Officer.
- f) Where the Monitoring Officer is unable to act on a matter in relation of Member conduct, the matter shall be discharged by the person appointed by the Monitoring Officer for this purpose under section 82A of the [Local Government Act 2000](#).
- g) Where any other Officer is unable to act on a matter that Officer's line manager or the Chief Executive may discharge the matter or may arrange for another Officer to discharge the matter.
- h) No Officer other than the Head of Legal and Democratic Services shall authorise or institute any legal proceedings or process or instruct legal agents or Counsel without the prior written consent of the Head of Legal and Democratic Services unless the Head of Legal and Democratic Services is absent or conflicted in which case the Chief Executive may discharge the matter or arrange for another officer to discharge the matter.
- i) The Chief Executive may allocate or re-allocate responsibility for functions between Officers as necessary for the effective discharge of those functions or to cover absence of particular Officers.
- j) Where an Officer is going to be absent for a period, they or their line manager may re-allocate responsibility for that Officer's functions as necessary to ensure the effective discharge of those functions during the Officer's absence. Where the Chief Executive is going to be absent for a period then responsibility for the Chief Executive's functions as necessary to ensure the effective discharge of those functions during the Chief Executive's absence shall be allocated to the appropriate Strategic Directors or Heads of Service, unless otherwise allocated by the Chief Executive.
- k) Where a function is delegated to an Officer it shall also be exercisable by their Head of Service. Where a function is delegated to a Head of Service it shall also be exercisable by the Chief Executive, except for the functions of Monitoring Officer and Section 151 Officer. Where a function is stated to be specifically delegated to a particular Officer, that function shall not be exercised by any other Officer, except in accordance with this Scheme. Staff exercising delegated powers shall do so with regard to Section A (Principles of Decision Making).

## **APPENDIX I – CODE OF GOOD PRACTICE/GUIDANCE FOR MEMBERS – PLANNING AND RIGHTS OF WAY**

### **1 INTRODUCTION**

- 1.1 Planning applications, the allocation of sites within the Development Plan and the way in which they are decided is subject to a great deal of public and media interest. Planning decisions affect the daily lives of everyone and the private lives of individuals, landowners and developers, and therefore on many occasions will be contentious. Because of this it is important that the system of making decisions is seen to be open and impartial, consisting of sound judgements made for justifiable reasons.
- 1.2 The Council has powers under the Highways Act 1980 and the Town and Country Planning Act 1990 to make orders for the creation, diversion and extinguishment (or stopping up) of public footpaths, bridleways and restricted byways, and to enter into agreements for the creation of footpaths and bridleways. The changes made by such orders and agreements affect the right of the public to cross private land and so can be contentious and the subject of impassioned debate. Because of this it is important that the system of making decisions on changes to the public rights of way network is seen to be open and impartial, consisting of sound judgements made for justifiable reasons.
- 1.3 This Code of Practice has been drawn up to set out clearly the way in which the Council deals with planning, public path orders and other applications.
- 1.4 It complements the Suffolk Code of Members' Conduct and Officers' Code of Conduct which address a range of aspects of Members' and Officers' conduct in carrying out official duties. Further information on the provision of the Code can be obtained from the Council's Monitoring Officer.

### **2 BASIC PREMISE**

- 2.1 The basis of the planning system is the consideration of private proposals against wider public interests. The Town and Country Planning Acts provide that decisions on individual proposals should be made in accordance with the Development Plan unless material planning considerations justify a departure from those policies. The Development Plan for East Suffolk Council consists of the Suffolk Coastal Local Plan, the Waveney Local Plan and the Minerals and Waste Local Plan. In addition, the Broads Local Plan is part of the Development Plan for the district.
- 2.2 The Highways Act 1980 and the Town and County Planning Act 1990 both lay down precise criteria to be met for the making and confirmation of public path orders. The legislation is supplemented by advice contained in the Department of Environment, Food and Rural Affairs (DEFRA) Circular (1/09) 'Guidance for Local Authorities' and other circulars and Regulations. The basic premise is to ensure that appropriate balanced consideration is given to the impact of changes to the network upon both the landowner's / occupier's interests and the public's right.
- 2.3 Within the context of the legal provisions, the successful operation of the planning and rights of way system relies on ensuring that Members and Officers act in a way which is not only fair but is clearly seen to be so. The respective roles of Members and Officers are set out in this Code of Practice.

2.4 The Government has placed a high priority on speed in the determination of planning applications and the practice contained in this code has to take account of this Government priority.

2.5 If a Councillor acts in breach of this Code this could potentially amount to a breach of the Council's Code of Conduct and have potential consequences for that Councillor. If an Officer acts in breach of this Code this may result in action under the Council's Disciplinary Procedure.

### **3 DECISION MAKING ON PLANNING AND RIGHTS OF WAY APPLICATIONS**

3.1 Consideration should be given when appointing Members to the North and South Planning Committees, that there are a number of Members who serve across both Committees for consistency on decision making across the district as a whole.

#### **3.2 The Role of Committee Members**

Members of the Planning Committee, in making decisions on planning and rights of way applications, will:

- Act fairly and openly;
- Approach each application with an open mind;
- Carefully weigh up all the material planning or rights of way considerations;
- Avoid undue contact with interested parties
- Ensure that reasons for decisions are clearly stated.

3.3 The planning system exists to balance the consideration of private proposals against the wider public interest. Members must take into account the interests of all of the District, together with the Government's national planning priorities, and will act in a way which is not only fair but is clearly seen to be so.

3.4 Members will be free to vote on applications however they consider appropriate within the context set by the Town and Country Planning Act or Highways Act and shall not have pre-judged the outcome prior to their consideration at the committee meeting of all relevant available information. Members should not, prior to the meeting, give an undertaking as to the stance they will take on the determination of a planning application, e.g. at a Town or Parish Council meeting, or to an interested party. They should indicate that any view they might put forward might change in the light of the Planning Officer's report and the Committee's discussion.

3.5 Committee Members will also have a role (see 3.8 below) on behalf of their ward to present local views, but Members must make it explicit when acting in that role. The decision-making role and its impartiality must not be prejudiced by any such action.

3.6 Members can expect Officers to give them help in answering questions on planning or rights of way matters.

3.7 Members will not give instructions to Officers, and they will not put pressure on Officers to make a particular recommendation on an application.

#### **3.8 The Role of Members**

The representational role of Members is a key part of the planning and rights of way process. Subject to compliance with the terms of the Members' Code of Conduct, in fulfilling that role Members will be given the opportunity in respect of all applications to:

- Respond in writing to Officers on the merits of the application;
- Attend any committee site meetings for applications within their ward;
- To make representations to the determining committee.

- 3.9 Members shall not give instructions to Officers, nor should they place pressure on Officers in order to secure a particular recommendation on an application.
- 3.10 Members can expect Officers to give them every help and assistance in answering questions relating to planning matters.
- 3.11 **The Role of the Planning Referral Panel**  
The Planning Referral Panel will be called by the Head of Planning and Building Control, as necessary, for consultative purposes to agree the route for determining a planning application subject to the criteria set out in the Scheme of Delegation to Officers.
- 3.12 The Planning Referral Panel will consider referral if the 'minded to' decision by Planning Officers is contrary to comments received from the Town or Parish Council, a Ward Member or a Statutory Consultee.
- 3.13 The Planning Referral Panel is a consultative panel with the Head of Planning and Building Control. The Head of Planning and Building Control will have final say on items to be referred for Committee decision rather than exercising delegated Officer powers.
- 3.14 **The Role of Officers**  
In respect of applications to be determined by the Planning Committee, Officers will:
- Provide professional and impartial advice;
  - Make sure that all information necessary for a decision to be made is given, including the substance of any objections and the views of those consulted;
  - Set the application in the context of the Development Plan or Highway Authority policy and practice, and all other material considerations;
  - Provide a clear and accurate written analysis of the issues;
  - Give a clear recommendation;
  - Be responsible for carrying out the decisions of the Planning Committee.
- 3.15 In respect of planning decisions that are taken under delegated authority the case Officer for the application will prepare a brief written resume of key issues and a recommendation. This written report will be considered by a senior Officer, given the appropriate delegated authority by the Head of Planning and Building Control, who may exercise that authority to determine the application. In no circumstances will the case Officer determine the application.
- 3.16 In respect of Public Path Order decisions that are taken under delegated authority, the Head of Planning may exercise that authority to determine an application where there are no unresolved objections. A brief written résumé of key issues, the decision and reasons for it will be prepared and placed on the application file. Further details of public path orders and agreements made by the Council, are available on the East Suffolk Public Rights of Way website.
- 3.17 The Council recognises that Chartered Town Planners and other Professional Officers shall not make or subscribe to any statements or reports which are contrary to their own professional opinions and the appropriate Professional Institute's Code of Conduct.

#### **4 DISCUSSIONS WITH APPLICANTS**

- 4.1 Pre-application meetings for planning matters with prospective applicants are encouraged but will normally only involve Officers. They may involve Members acting in a representative role where approached by a prospective applicant, such meetings should not normally involve Members of the Planning Committee which may be

making the decision on the intended application. Exceptions are where the Planning Committee has, by resolution, determined that a pre-application meeting shall exceptionally involve Members and where the meeting is limited to providing advice on the proper process to follow, involving which Officer to contact for further advice. Committee Members may also wish to pass applicants on to a neighbouring District Councillor.

- 4.2 Where pre-application meetings involve Members appointed by the Planning Committee a note of the discussion will be taken and will be made available for public inspection subject to the usual rules about Access to Information, when an application is submitted. At least one Officer will be present at all such meetings. The same provisions will apply where following a determination of an application consideration is being given to a fresh application.
- 4.3 It will be made clear at pre-application meetings that:
- Only Officers' initial and provisional views can be given, based upon the provisions of the Development Plan and other material planning considerations;
  - No decisions can be made which would bind or otherwise compromise the decision of the Council;
- 4.4 A written note will be made of all substantive meetings. A follow-up letter should be normal practice when documentary evidence has been left with the Council.
- 4.5 A note will be taken of telephone conversations where express advice on the planning merits of a proposal has been given. The meeting note and the follow-up correspondence shall be placed on the relevant file, should an application materialise following initial discussions.
- 4.6 Members will not take part in post-submission meetings with applicants or other parties, unless:
- Section 5 of this Code of Practice allows this; or
  - the matter has been reported to the Planning Committee and the Councillors concerned have been appointed by the Committee

## **5 CONSULTATION AND LOBBYING**

- 5.1 The Council is required by legislation to give certain publicity and consult certain key parties on particular planning and rights of way applications. The Council supplements the statutory requirements with its own practice on consultation.
- 5.2 Attached as Appendix A is a statement of the Council's current practice of consultation on planning applications.
- 5.3 Attached as Appendix B is a statement of the Council's current practice of consultation on rights of way applications.
- 5.4 In all instances interested parties are asked to make their representations in writing in order that a true record of the representation can be placed on the appropriate file for public inspection and to be used in informing the decision-making process. Representations can be submitted electronically or submitted in hard copy form.
- 5.5 It is quite common for applicants and other interested parties to wish to discuss a proposed development with Members before an application is determined. This can aid the understanding of issues involved. However, to avoid compromising their position before they have received all the relevant information, evidence and arguments, Members of the determining committee may choose, as a matter of

principle, not to meet applicants or interested parties. Where they do choose to meet relevant parties they will:

- Not express an opinion which could be taken as firm support or opposition to a proposal;
- Not organise support or opposition for a proposal or lobby other Members;
- Inform lobbyists or objectors of the importance of their views being submitted in writing to the Council;
- Advise the Chairman of the Planning Committee or the Head of Planning and Building Control of the existence of any party that appears to be trying to exercise undue or unreasonable pressure on Members of the Council.

5.6 Members should take great care to maintain impartiality when attending public meetings in relation to planning matters. They should consider carefully whether it is appropriate to attend in the first place. If they do wish to attend it is advisable to invite the relevant Officer also. At such meetings it is preferable for no view on the merits or otherwise of a proposal to be given.

## **6 COMMITTEE PROCEDURES**

6.1 The Planning Committee papers will be available, in accordance with the Access to Information Act provisions, at least five clear working days prior to the meeting.

6.2 All applications presented to the Planning Committee for determination will have a full written report from Officers, including the substance of objections, and the views of those who have been consulted on the proposal, a clear explanation of the relevant Development Plan policies or legislation, site related history, any other material planning considerations or relevant information, a reasoned consideration of the proposal and a clear recommendation.

6.3 Any material information which is received after the written report has been prepared but more than 24 hours before the start of the Planning Committee meeting will be presented orally by Officers. Information received within 24 hours of the start of the meeting will only be presented where it is brief and can be readily conveyed to the Committee.

6.4 The Head of Planning and Building Control will have the discretion to withdraw any item from the agenda of the Planning Committee subsequent to the preparation of the report, but prior to a discussion by the Planning Committee if the circumstance of the application has changed within that period.

6.5 Where an application is determined in accordance with an Officers' report the decision will be as set out in that report subject to any amendments which Officers or Members may put forward at the meeting.

6.6 Where the Planning Committee disagrees with the Officers' professional advice, the reasons for rejecting a report's recommendation will be clearly stated at the meeting and recorded in the minutes. Members need to be sure that when they do not follow Officers' professional advice, their decisions are based on sound planning reasons. Members shall be aware that they may be required themselves to justify their decision at appeal.

6.7 If an application is granted against Officer recommendation, the Committee must provide reasons for approval but also suggest any conditions that it thinks should be imposed or should delegate those conditions (and any planning obligations) to the officers.

- 6.8 The Council considers that there are benefits in allowing public speaking at Planning Committee meetings. A summary of the adopted practice is set out in Appendix C.
- 6.9 The application will be determined by a simple majority vote by show of hands. All Members of the Committee, including the Chair, should cast a vote in favour or against the motion before the Committee. As the Planning Committee is appointed for the purpose of making decisions on planning applications, members are encouraged not to abstain. If members feel they must abstain they are encouraged to explain their reasoning.
- 6.10 Where a planning obligation is required in respect of a development proposal, the Officers' report to the Planning Committee will set out the reasons for this and indicate any principal terms that the obligation might contain. If the Planning Committee requires additional or amended obligations they shall be clearly specified by the Planning Committee and in all cases the detail will also be recorded in the minutes of the meeting.
- 6.11 A register is kept of planning obligations entered into and an annual report will be made to the Strategic Planning Committee summarising progress in the receipt and use of financial sums or development in kind received in accordance with a planning obligation.

## **7 SITE VISITS**

- 7.1 All sites are investigated by Officers as part of the application process. However, there may be circumstances when Members will wish to visit specific sites, for example, to understand local conditions and the relationship of a proposed development or rights of way proposal and the surrounding area, where these features cannot be assessed from the submitted drawings, illustrative material or from outside the site.
- 7.2 Formal site visits will be held when there is a clearly identified material benefit for holding one and the Planning Referral Panel agrees with the relevant Planning Officer that there is a need to do so to provide a better understanding of the proposals or the Planning Committee so requests that a visit be held.
- 7.3 All Members attending formal site visits by the Planning Committee shall be accompanied by an appropriate Officer(s) of the Council.
- 7.4 The site visit is not part of the consideration of the merits of an application and therefore public rights to attend the meeting do not apply.
- 7.5 If access to private land is necessary, then Officers will secure the prior agreement of the landowner. All appropriate measures will be taken to ensure that the site visit takes place in a manner which is legally compliant and pursuant to government guidance so as not to compromise anyone's health and safety.
- 7.6 The purpose of the site visit is fact finding. Officers will be able to point out relevant features of the site and surroundings. Members will be able to see the physical features of the site
- 7.7 When on a site visit, the Members of the Planning Committee should not make any comments that could create an impression that they have already formed a firm position on the merits of the application. The decision on the application should not be made until the formal meeting of the Planning Committee when the Members will

have before them all the necessary information to be able to make an informed decision.

## **8 DISCLOSURE OF INTERESTS AND HOSPITALITY**

8.1 Members are required to comply with the requirements of the Suffolk Code of Conduct, including registration of their interests, making the appropriate declarations of interest and declaring the receipt of any gifts or hospitality of at least £25 in value. Officers are required to comply with the Officer Code of Conduct, including the registration of their interests and making appropriate declarations of any offers of gifts or hospitality worth £10 or more.

8.2 Members need to declare the receipt of any gifts or hospitality of at least £25 in value as a local non-pecuniary interest, on their Register of Interests' form. Officers need to declare the offer of any gifts or hospitality of £10 or more on the e-form which can be found on the Council's intranet. Any hospitality or gifts above the financial limit that have been offered but not accepted will also need to be registered by Officers.

## **9 DISTRICT COUNCIL APPLICATIONS**

9.1 Where the District Council wishes to carry out development which requires planning permission or make alterations to the rights of way network, it will need to make an application for its own development before development may be carried out. The appropriate application will be submitted by the Chief Executive or his duly authorised nominee and will be dealt with by the Council as Local Planning Authority in the same way as those submitted by private applicants.

9.2 No District Council application will be determined under delegated authority but will be determined by the appropriate Planning Committee.

## **10 APPLICATIONS SUBMITTED BY MEMBERS AND OFFICERS**

10.1 All applications which are submitted by or on behalf of Members, or any Officers of the Council or their spouse / partner in their private capacity, will be reported to the Planning Committee for a decision, rather than being dealt with in accordance with the Scheme of Delegation to Officers.

10.2 The Member / Officer concerned will inform the Head of Planning and Building Control of the submission of their application to ensure that the above-mentioned procedure can be adopted.

10.3 No Member or Officer concerned will take part in the processing or determination of the application, and if normally present at the determining Planning Committee meeting, will declare a prejudicial interest in the normal manner and leave the meeting for the consideration of that item of business.

## **11 TRAINING**

11.1 To facilitate the effective working of the planning system, all Members of the Council are expected to undertake training in the principles of the planning system, rights of way and the procedures followed by the Council in determining applications. The precise contents of this training will be determined from time to time by Officers in consultation with Members.

11.2 East Suffolk Council's Public Rights of Way website provides details on rights of way principles and legislation, particularly as relevant to the Council's rights of way role and is updated regularly.

11.3 Members of the Planning Committee will be expected to have undertaken training on current planning and rights of way procedures and the principles of the planning

system. When significant changes to the planning system or policy applicable to the District occurs updated information or training as appropriate will be provided to all Members of the Planning Committee – information / training which all Members of the Council will be invited to benefit from if they so wish.

- 11.4 A programme of training will be available each year, covering issues of current importance as well as updating knowledge. From time to time, specialist training will be provided to cover particular topics or to look at matters in greater depth.
- 11.5 Members who have not participated in appropriate training cannot be Members of the Planning Committee. Only in the most exceptional cases when there are no trained Members available and a Planning Committee meeting would be potentially inquorate, should a Member who has not received training take part in making a decision on a planning or rights of way application. A record of Member training in planning will be maintained.
- 11.6 As part of the annual monitoring role of the Strategic Planning Committee, the training and provision of information undertaken and provided each year will be reviewed.

**12 COMPLAINTS**

- 12.1 If there is concern that the Code of Practice set out in this document has not been adhered to you should contact your local ward councillor or you should write to:

For Planning matters:	
Head of Planning and Building Control	<a href="mailto:Ben.woolnough@eastsoffolk.gov.uk">Ben.woolnough@eastsoffolk.gov.uk</a>
For Rights of Way matters:	
Head of Planning and Building Control	<a href="mailto:Ben.woolnough@eastsoffolk.gov.uk">Ben.woolnough@eastsoffolk.gov.uk</a>
Suffolk Code of Conduct or Officers’ Code of Conduct matters:	
Monitoring Officer	<a href="mailto:Chris.bing@eastsoffolk.gov.uk">Chris.bing@eastsoffolk.gov.uk</a>

- 12.2 The Council has adopted a Complaints Procedure which may be followed in the event that the initial enquiry is not resolved to the complainant's satisfaction. A copy of the Complaints Procedure is available on the Council's website, or from the Council Offices.

**APPENDIX I (A) STATUTORY PUBLICITY - Planning**

Nature of Development	Publicity Required
Development where application accompanied by environmental statement	Advertisement in newspaper and site notice
Departure from development plan	Advertisement in newspaper and site notice
Affecting public right of way	Advertising in newspaper and site notice
Major Development	Advertisement in newspaper, site notice and neighbour notification as appropriate
Minor Development	Site notice and neighbour notification as appropriate
Development affecting the setting and character of a listed building	Advertisement in newspaper and site notice
Development affecting the character or appearance of a Conservation Area	Advertisement in newspaper and site notice

Agricultural permitted development where Local Planning Authority indicates a need for its prior approval	Site notice posted by developer
Telecommunications	Site notice
Householder Applications	Site notice and neighbour notification as appropriate

### **INFORMAL PUBLICITY ARRANGEMENTS**

The planning Officer dealing with a case has discretion to notify a neighbour direct, or not, as they consider desirable having regard to adopted guidelines. Notification is carried out having regard to the following guidelines:

- 1 Notification will take place when, in the opinion of the inspecting Officer, demonstrable harm may be caused to the amenities of a neighbouring property resulting in:
  - a) loss of privacy;
  - b) loss of peaceful enjoyment;
  - c) loss of daylight or sunlight;
  - d) adverse visual impact;
  - e) or other adverse effect.
- 2 The person notified will be the occupier of the neighbouring property affected by the proposals;
- 3 'Neighbouring property' is any residential property having a boundary contiguous with, or abutting, an application site but does not include a property separated from the site by a public highway;
- 4 Notification will not be undertaken simply because a neighbour's outlook over adjoining property is affected or because a solely private interest is involved e.g. a private right of way;
- 5 Where application proposals affect properties over a wider area, the local town / parish council will be able to express a local view but where the impact could be substantial, consideration will be given to advertising the application by press advertisements as an item of general interest.

### **APPENDIX I (B) STATUTORY CONSULTATION – Rights of Way**

The Council is required by legislation to consult statutory undertakers and other affected councils on applications for public path orders. In addition, the Council follows national best practice to achieve unopposed orders wherever this is possible, as recommended by the 'Rights of Way Review Committee Practice Guidance Note No 1'. Upon receipt of a technically correct application the Council will consult widely with representatives of user groups and other bodies and individuals it considers may be affected by or interested in proposals as appropriate.

In all instances consultees and interested parties are asked to submit their views in writing in order that a true record can be placed on the appropriate file and used in informing the decision-making process. A period of 28 days is usually allowed for consultation responses, but this can be extended at the discretion of Officers if consultees require extra time. Responses can be submitted electronically or in hard copy form.

At the end of the consultation process it is usual procedure for the views of the consultees to be forwarded to applicants for consideration. Officers are responsible for managing such subsequent negotiation as is deemed useful in respect of the Council's intention to achieve unopposed public path orders wherever possible.

Negotiation may result in changes to the original proposals and re-consultations will be carried out as appropriate.

## **APPENDIX I(C)**

### **PUBLIC SPEAKING PROCEDURES FOR PLANNING COMMITTEE MEETINGS**

Subject to the procedure detailed below, there is a right to speak for, or against, any applications for rights of way, planning permission or similar applications (e.g. Listed Building). There is no right to speak on enforcement issues, which appear on the agenda of the Planning Committee.

#### **PROCEDURE WHEN AN ITEM IS SCHEDULED TO BE REPORTED TO A PLANNING COMMITTEE**

Progress on applications can be monitored online by visiting the Council's website – [www.eastsuffolk.gov.uk](http://www.eastsuffolk.gov.uk). This will indicate if the application is going to be considered by the Planning Committee and, if so, when. The following would normally be permitted to speak:

- representative of Town / Parish Council or Parish Meeting;
- applicant or representative; or supporter in the case of a Right of Way Application;
- objector;
- relevant ward Members

The intention is that only one person would speak from each of the above parties or where multiple speakers have co-ordinated to share the opportunity, the three minutes will be shared over durations confirmed with Democratic Services in advance. In circumstances where multiple speakers desire the three minutes but cannot agree to share it, the three minutes will be granted to the first request to speak.

#### **PROCEDURES AT PLANNING COMMITTEE MEETINGS**

Interested parties who wish to speak will be able to register to do so, using an online form. Registration may take place on the day that the reports for the scheduled meeting are published on the Council's website, until 5.00pm on the day prior to the scheduled meeting. A link to the online form will be included on each published agenda.

[Online registration form to speak at Planning Committees.](#)

#### **ORDER OF SPEAKING**

The order of debate will be as follows:

1. Introduction by Planning Officer or relevant Officer for rights of way applications;
2. Questions from Members of the Committee for Officers on the proposal and locality
3. Questions from Members of the Committee for Officers on any third party representations;
4. Representations by objector (objecting to the recommendation);

5. Representations by relevant town or parish council (in exceptional circumstances the Chairman may allow more than one parish council to send a representative by prior agreement where a development proposal is of such magnitude that it affects several parishes);
6. Representations by applicant or representative;
7. Ward Member(s);
8. Officer clarifications following public speaking and any further questions from Members of the Committee for Officers;
9. Planning Committee general debate.

#### **DURATION OF SPEAKING**

Speakers, other than Ward Members, will be given a maximum of three minutes to speak in presentation, with the Chairman having absolute discretion as to how many and in what form questions are allowed over and above the three-minute presentation.

Ward members will be given a maximum of five minutes to speak. Where there are multiple ward members they will be allowed a maximum of five minutes each.

No speaker will be given a second opportunity to speak to ensure equality of representation. All questions should be based upon matters of fact only and channelled exclusively through the Chair. There will be no general debate, including those engaged in public speaking, given that the purpose of allowing public speaking is to make appropriate representations and to tease out matters of fact.

#### **ILLUSTRATIVE MATERIAL**

If a speaker wishes to refer to illustrative material, which they wish to be displayed at the meeting, then this must be provided to the Officers 24 hours in advance of the meeting so that appropriate arrangements can be made for its display.

If the application is deferred until the next meeting for further information, negotiations or a site visit, either before or after public speaking, speakers will have the opportunity to present their views again.

There will be an Officer present at all meetings to ensure that procedures are properly followed.

## **APPENDIX J – MEMBERS ICT PROTOCOL**

### **1. Introduction**

East Suffolk Council (ESC) has an expectation that Councillors will use ICT to enable them to effectively deliver all aspects of their role and will therefore provide all necessary ESC ICT resources and ICT support. However, it is important that the use of ICT is managed to ensure that ESC complies with all relevant legislation, regulatory codes of practice, policies and ICT best practice. This document has been developed to provide clear guidance on ICT use for Members.

## **2. Scope**

This protocol applies to all Members who have access to ESC ICT resources.

## **3. Definitions**

ICT resources are defined as all elements of ICT infrastructure and environment and includes:

- ESC email account and file storage
- Data network and enterprise business applications such as Microsoft Office
- Portable computer devices such as laptops and smartphones provided by the ESC ICT Service as part of the Members' ICT solution
- Electronic files, data and information accessed through the above

## **4. Guidance on the use of ICT Resources**

### **4.1 ICT Security**

All ICT usage must be in compliance with corporate ICT Security Policy and ICT Acceptable Use Policy.

### **4.2 Use in respect of Council Business**

ESC ICT resources are provided for all ESC related business activities and those related to other public bodies or organisations on which Members are the ESC representative or nominee. Members should be aware that use of personal IT for such activities may incur risks to ESC or residents' data.

Members should use ESC ICT resources in accordance with ESC Health and Safety standards; guidance on the safe use of such equipment is available from Corporate Health & Safety Advisor

ESC ICT resources should not be used for any party-political activities or election campaigning

Members should use their ESC email address for all ESC related email communication and contact arrangements. ESC email addresses should not be used for any election material or party-political statements.

Inappropriate use of ESC ICT resources could be a breach of the Suffolk Code of Conduct and could give rise to formal complaints being made against a Councillor. Any queries about the Suffolk Code of Conduct in relation to ICT resources should be directed to the Monitoring Officer.

## **5. Responsibilities**

Members must take reasonable precautions in the care and use of ESC ICT resources. If ICT equipment is damaged, lost or stolen, this should be immediately reported to ICT Service Desk on 01502 523555. All ICT resources issued to Members remain the property of ESC and should be returned to ESC in the event that a Member ceases to be an East Suffolk

Councillor. Access to ESC email and other systems will be suspended and terminated within 3 working days of the councillor ceasing to hold office.

Members must return any ICT resources on the request of the ICT Service for the purposes of audit, repairs or maintenance. A replacement device will be provided if required. Members will likely receive sensitive and personal data in the course of their duties and should be aware of their responsibilities under data protection and the need to comply with all relevant legislation including the GDPR (General Data Protection Regulations). The ESC Data Protection Lead (Head of Internal Audit) can provide guidance on any aspect of compliance with data protection and dealing with personal information. Members also need to be aware that data held on their ESC systems may be subject to FOI (Freedom of Information) requests.

ESC does not permit the automatic forwarding of corporate emails (member@eastsoffolk.gov.uk) to other external providers due to security implications. Whilst Members can forward individual emails to personal or other email accounts they should be aware of the data protection implications of this.

## **6. Support**

All ESC ICT resources are maintained and supported to agreed operational and security standards by the ICT team who also provide a dedicated Member ICT Support line which is available during normal office hours for any Member ICT support issue.

ICT advice and guidance for all users is published on the Corporate Intranet (FRED) as well as notifications on any disruptions to ICT.

## **7. Printing and Scanning**

Members have access to the corporate printing service and can collect any printing securely from MFD (multi-functional device) at any ESC office location (East Suffolk House, Riverside, Marina, Woodbridge Library, Felixstowe Library and Beccles Library). Print requests which are not printed and collected within 72 hours will be automatically deleted. Personal printers or printing consumables are not supplied as part of Members ICT.

Members can use the MFDs to scan documents for their ESC business for electronic storage and management.

## **APPENDIX K – GLOSSARY OF TERMS**

Term	Definition
<b>Agent</b>	(In the context of the Contract Procedure Rules) A person or organisation acting on behalf of the Council or on behalf of another organisation
<b>Annual General Meeting (AGM)</b>	The first meeting of the Council in each municipal year, usually held in May
<b>Audit and Governance Committee</b>	A committee (group of councillors) who meet to review the work of the Council, in particular with regard to finance and audit. The committee is entirely separate from the Cabinet and provides independent assurance to the Council as to the adequacy of the Council's risk management and internal controls. The committee also promotes and maintains high standards of behaviour by Councillors and deals with any allegations of a breach of the Members Code of Conduct
<b>Best Value</b>	The duty which Part I of the Local Government Act 1999 places on local authorities to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness, as implemented by the Council. Guidance is available at <a href="https://www.gov.uk/government/publications/revised-best-value-statutory-guidance">https://www.gov.uk/government/publications/revised-best-value-statutory-guidance</a> . (See also Value for Money)
<b>Bond</b>	An insurance policy in the form of either a Performance Bond or a Guarantee Bond: if the contractor does not do what it has promised under a contract with the Council, the Council can claim from the insurer the sum of money specified in the bond. A bond is intended to protect the Council against a level of cost arising from the contractor's failure
<b>Budget and Policy Framework</b>	The key policy documents that set out the Council's position on key activities and set the budget for each year. Documents that make up the Budget and Policy Framework must be approved by Full Council. A list of these documents is shown in Part 2 Section B of this constitution
<b>Cabinet</b>	(See also Executive) The Cabinet/Executive is made up of the Leader, a Deputy Leader and up to eight other Cabinet Members who are chosen and appointed by the Leader. The Cabinet are responsible for the Executive decisions of the Council and take most of the decisions on service delivery. A list of responsibilities can be found in Part 2, Section B of this constitution
<b>Cabinet Member</b>	A Member of the Cabinet to whom political responsibility is allocated for certain functions
<b>Cabinet Portfolio</b>	A range of functions and services of the Council that are grouped together and allocated to a particular Cabinet Member
<b>Calendar of Meetings</b>	The agreed schedule of Council, Cabinet, and Committee meetings for the municipal year, as agreed by the Council at its annual general meeting (AGM)
<b>Call-in</b>	Within five working days of the date of publication of any decision that is made by the Cabinet, a committee of the Cabinet, an individual

	Cabinet Member exercising delegated powers, under joint arrangements, or by an Officer, any two (2) Members of the Scrutiny Committee or any five (5) Members of the Council may ‘call-in’ the matter for review by the Scrutiny Committee. The Call-in provision does not apply to urgent decisions.
<b>Chairman of the Council</b>	The Chairman of the Council is elected by the Council at their annual general meeting (AGM) each year. The Chairman sits at the head of Council meetings and runs the meetings in accordance with the constitution. The Chairman also carries out some civic and ceremonial roles on behalf of the Council
<b>Chief Executive</b>	The lead Officer of the Council who is ultimately responsible for the operational management of the Council, its Officers, and for the delivery of all the Council’s Services within the budget and policy framework set by Members
<b>Chief Officer</b>	(In the context of the Contract Procedure Rules) A Member of the Strategic Management Team or Officer delegated to deal with the contract in question
<b>Committee</b>	A group of councillors who are appointed to carry out specific functions. Some committees are given the power to make decisions for the Council, e.g. regulatory committees such as Planning Committee
<b>Conflict of interest</b>	A situation or circumstance in which an individual has competing interests or loyalties which may impair their ability to make an unbiased decision
<b>Constitution</b>	The legally binding constitutional document approved and adopted by the Council which: <ul style="list-style-type: none"> <li>• allocates powers and responsibility within the Council and between it and others</li> <li>• delegates authority to act to the Cabinet, Committees, Portfolio Holders, Strategic Directors, Heads of Service, and Officers</li> <li>• regulates the behaviour of individuals and groups through Procedure Rules, Codes and / or Protocols</li> </ul>
<b>Consultant</b>	A Person employed for a specific length of time to work to a defined project brief with clear outcomes to be delivered, who brings specialist skills or knowledge to the role, and where the Council has no ready access to employees with the skills, experience or capacity to undertake the work
<b>Contract</b>	Includes any contract and any deed which does not fall within Rule 2.1 of the Contract Procedure Rules (excluded contracts)
<b>Contract Register</b>	The register to be kept and maintained by the Procurement Team recording details of all contracts entered into by the Council (see Rule 7 of the Contract Procedure Rules).
<b>Contracting Decision</b>	Any of the following decisions: <ul style="list-style-type: none"> <li>• withdrawal of Invitation to Tender</li> <li>• whom to invite to submit a Quotation or Tender</li> <li>• Shortlisting</li> </ul>

	<ul style="list-style-type: none"> <li>• Award of contract</li> <li>• Termination of a contract</li> </ul>
<b>Contracts Finder</b>	The facility for private firms to find opportunities to win national and local government contracts above a low minimum value ( <a href="http://www.gov.uk/contracts-finder">www.gov.uk/contracts-finder</a> )
<b>Constituents</b>	Residents living in the area that the Council or Councillor represents
<b>Corporate Agreement</b>	A procurement facility approved and managed by the Procurement Team (in consultation with the Head of Legal and Democratic Services) to support the Council's aim of achieving Value for Money. This may, for example, be a Framework Agreement operated by the Council or a suitable external organisation for government buyers (such as the Crown Commercial Service).
<b>Corporate Leadership Team</b>	The Corporate Leadership Team is made up of the Chief Executive, the two Strategic Directors, and all of the Heads of Service of the Council
<b>Corporate objectives</b>	The key priorities and values of the Council. These are set out in more detail in the Council's Business Plan
<b>Councillor</b>	(See also Member) An elected Member of the Council
<b>Data Protection Act 1998</b>	Statutory requirement that the Council must <ul style="list-style-type: none"> <li>• not use or disclose data except as registered</li> <li>• hold only adequate and relevant data</li> <li>• keep data accurate and up to date</li> <li>• give a print of the data to the individual concerned if requested</li> </ul>
<b>Development Plan</b>	The Development Plan for East Suffolk Council consists of the Suffolk Coastal Local Plan, the Waveney Local Plan, and the Minerals and Waste Local Plan and 'made' Neighbourhood Plans. The Broads Local Plan is part of the Development Plan for the area of the district which falls within the Broads. As local planning authority for their area the Broads Authority is responsible for the preparation of its own Local Plan and for taking planning decisions within the Broads.
<b>Executive</b>	(See also Cabinet) The Cabinet/Executive is made up of the Leader, a Deputy Leader and up to eight other Cabinet Members who are chosen and appointed by the Leader. The Cabinet are responsible for the Executive decisions of the Council and take most of the decisions on service delivery. A list of responsibilities can be found in Part 2, Section B of this constitution
<b>Extraordinary meetings</b>	Meetings of the Council which are not scheduled in the Calendar of Meetings but are called, usually at short notice, to deal with a particular issue(s)
<b>Financial Procedure Rules</b>	The Council's financial regulations, as set out within Part 3 of this Constitution
<b>Forward Plan of Key Decisions</b>	(See also Key Decision) A plan showing the upcoming significant decisions that the Council intends to take.
<b>Framework Agreement</b>	(In the context of the Contract Procedure Rules) An agreement between one or more authorities and one or more economic

	operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged. Examples of Framework Agreements include those awarded by The Crown Commercial Service and others.
<b>Full Council</b>	A meeting of all Members of the Council
<b>Governance arrangements</b>	The structure of committees and meetings that sets out how the council takes decisions and how decisions are scrutinised.
<b>Head of Service</b>	An Officer of the Council employed as a Head of Service (see Management Structure Chart for responsibilities). (In the context of the Contract Procedure Rules) A Head of Service, or another Officer of the Council nominated to act in the capacity of Head of Service, for the purposes of the Contract Procedure Rules and a specified procurement exercise
<b>Intellectual Property</b>	A generic term that includes inventions, creative writings and drawings. If these are created by the Officer during the course of his/her employment then, as a general rule, they belong to the Council
<b>Invitation to Tender</b>	Invitation to tender documents in the form required by the Contract Procedure Rules included within this constitution
<b>Key Decision</b>	Key decisions are those which have a significant impact on the Council or where there will be spending or savings of over £250k within agreed budgets
<b>Leader of the Council</b>	After each election, the party with the most elected Councillors nominates one of their Councillors to be the Leader of the party. At the Council's annual general meeting (AGM) the Full Council then votes to elect them to become the Leader of the Council
<b>Line Manager</b>	An Officer's immediate superior, responsible for their day-to-day management. (In the context of the Contract Procedure Rules) The Officer's immediate superior or the Officer designated by the Strategic Director or Head of Service to exercise the role reserved to the line manager by the Contract Procedure Rules
<b>Member</b>	(See also Councillor) An elected Member of the Council
<b>Minutes</b>	A written record of the debate and decisions reached at meetings
<b>Monitoring Officer</b>	The Officer appointed to fulfil the statutory role of Monitoring Officer, whose duties are set out in Part 2 of this constitution. For East Suffolk Council this is the Head of Legal and Democratic Services.
<b>Most Economically Advantageous Tender (MEAT)</b>	See Rule 4.6 of the Contract Procedure Rules
<b>Nominated Suppliers and Sub-Contractors</b>	Those persons specified in a main contract for the discharge of any part of that contract
<b>Non-commercial Considerations</b>	(In the context of the Contract Procedure Rules) (a) The terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the

	<p>promotion, transfer or training of or the other opportunities afforded to, their workforces ('workforce matters').</p> <p>(b) Whether the terms on which contractors, contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self employed persons of their services only.</p> <p>(c) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy.</p> <p>(d) The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons ('industrial disputes').</p> <p>(e) The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors.</p> <p>(f) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees.</p> <p>(g) Financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support.</p> <p>(h) Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984.</p> <p>There are exceptional circumstances in which some such matters can be taken into account, but only with advice from the Head of Legal and Democratic Services. For example, workforce matters and industrial disputes, as defined in paragraphs (a) and (d), may cease to be non-commercial considerations to the extent necessary or expedient to comply with Best Value; or where there is a transfer of staff to which TUPE may apply.</p>
<b>Officer</b>	A member of staff employed by the Council. (In the context of the Contract Procedure Rules) The Officer designated by the Strategic Director or Head of Service to deal with the contract in question
<b>Ordinary meetings</b>	Meetings of the Council that are scheduled in advance and appear in the agreed Calendar of Meetings
<b>Parent Company Guarantee</b>	(In the context of the Contract Procedure Rules) A contract which binds the parent of a subsidiary company as follows: if the subsidiary company fails to do what it has promised under a contract with the Council, the Council can require the parent company to do so instead
<b>Planning Application</b>	An application seeking Planning Permission, that is applications for Full Planning Permission, Outline Planning Permission, Reserved Matters Approval, Changes of Use, Variations of Conditions, Removal of Conditions, Listed Building Consent and Advertisement Consent.
<b>Planning Decisions</b>	Any formal decision made by East Suffolk Council as the Local Planning Authority in relation to Planning Applications, planning related applications, planning enforcement, and creation of Tree

	<p>Preservation Orders in relation to planning related legislation including, but not limited to:</p> <ul style="list-style-type: none"> <li>- Town and Country Planning 1990 Act (as amended),</li> <li>- Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended),</li> <li>- Town and Country Planning Act (Public Path Orders) Regulations 1993 (as amended),</li> <li>- Town and Country Planning Advertisement Regulations 2007 (as amended),</li> <li>- Town and County Planning General Permitted Development Order 2015 (as amended),</li> </ul> <p>and/or any Acts, Statutory Instruments or other national regulations that have amended them or may amend them in the future.</p>
<b>Planning Related Application</b>	<p>A formal application for consent from the Local Planning Authority, including but not limited to those for Approval of Matters Reserved by Condition (i.e. Discharge of Condition), Non-Material Amendments, Prior-Notification Approval, Certificates of Lawfulness, works to trees covered by a Tree Protection Order or within a Conservation Area etc, but excluding those applications seeking Planning Permission (i.e. Planning Applications).</p>
<b>Political Neutrality</b>	<p>Officers serve the Council as a whole and may be required to advise political groups. In doing so they must remain neutral and serve all groups equally</p>
<b>Politically Restricted</b>	<p>Officers are entitled to maintain their own political views but must not allow these views to impact on the work they do. In some cases posts will be 'politically restricted' meaning the post-holder may not hold the office of councillor (except for a Town/Parish Council) and may not be a member of a political party or have any close connections to a political group or its activities such as canvassing at elections or speaking or writing publicly on party political matters</p>
<b>Post Tender Negotiations</b>	<p>(In the context of the Contract Procedure Rules) Discussions with prospective suppliers after submission of a tender/bid and before the award of a contract, with a view to obtaining adjustments in price, delivery, quality or content</p>
<b>Procurement Team</b>	<p>The Council's central procurement unit charged with providing strategic direction and advice to secure Value for Money in matters pertaining to the Council's procurement and partnership activities</p>
<b>Public Procurement Procedure</b>	<p>(In the context of the Contract Procedure Rules) The procurement procedure or other requirements which apply in the relevant circumstances under the Public Procurement Regulations where the Total Value exceeds the Public Procurement Threshold and the Officer has not received confirmation from Legal Services that the procurement is exempt</p>
<b>Public Procurement Regulations</b>	<p>(In the context of the Contract Procedure Rules) The laws applying to the Council (including any European Union law directly or indirectly in force in England) at the relevant time. When the Contract</p>

	Procedure Rules were made, these were the Public Contracts Regulations 2015
<b>Public Procurement Threshold</b>	(In the context of the Contract Procedure Rules) The contract values at which the Public Procurement Regulations apply, as amended from time to time (see Rule 3.2 of the Contract Procedure Rules).
<b>Quorum</b>	The minimum number of Members that must be present at a particular meeting to make the proceedings of that meeting valid
<b>Quotation</b>	(In the context of the Contract Procedure Rules) A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender)
<b>Relevant Contract</b>	See Rule 2.1 of the Contract Procedure Rules
<b>Scheme of Delegation</b>	The section of the constitution which sets out how decision-making will be carried out by the Council including which functions which will be passed to Cabinet, Committees, Members or Officers
<b>Scrutiny Committee</b>	A committee (group of councillors) who meet to review and challenge the work of the Cabinet and the Council as a whole. The committee also holds inquiries into matters of local concern in which citizens often take part.
<b>Section 151 Officer</b>	The Officer appointed to fulfil the statutory role of Section 151 Officer, whose duties are set out in Part 2 of this constitution. For East Suffolk Council, this is the Chief Finance Officer (CFO).
<b>Shortlisting</b>	(In the context of the Contract Procedure Rules) The process of selecting bidders who are to be invited to quote or bid or to proceed to final evaluation
<b>Strategic Director</b>	An Officer of the Council employed as a Strategic Director (see Management Structure Chart for responsibilities). (In the context of the Contract Procedure Rules) A Strategic Director, or another Officer of the Council nominated to act in the capacity of Strategic Director, for the purposes of the Contract Procedure Rules and a specified procurement exercise
<b>Strategic Management Team</b>	The Strategic Management Team is made up of the Chief Executive and the two Strategic Directors of the Council
<b>Supervising Officer</b>	(In the context of the Contract Procedure Rules) The Line Manager's immediate superior
<b>Supplier List</b>	(In the context of the Contract Procedure Rules) A preselected list of suppliers used by a department – See Rule 6.8 of the Contract Procedure Rules
<b>Tender</b>	(In the context of the Contract Procedure Rules) A bidder's proposal submitted in response to an Invitation to Tender
<b>Total Value</b>	(In the context of the Contract Procedure Rules) The whole of the value or estimated value (in money or equivalent value) for a single procurement or disposal calculated as follows: (a) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period (b) where the procurement involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months

	<p>(c) where the contract is for an uncertain duration, by multiplying the monthly payment by 48</p> <p>(d) for feasibility studies, the value of the scheme or contracts which may be awarded as a result</p> <p>(e) for Nominated Suppliers and Sub-contractors, the total value shall be the value of that part of the main contract to be fulfilled by the Nominated Supplier or Sub-contractor.</p>
<b>TUPE</b>	<p>Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006 No. 246): subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the Council is transferred from one organisation (e.g. private contractor or local authority in-house team) to another (e.g. following a contracting out or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers, enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business</p>
<b>Value for Money (VfM)</b>	<p>Value for money is not the lowest possible price; it combines goods or services that fully meet the Council's needs, with the level of quality required, delivery at the time the Council needs it, and at an appropriate price</p>
<b>Whistleblowing</b>	<p>Officers are expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. The Council's '<i>Whistleblowing Policy</i>' provides assistance on how to raise matters which concern Officers</p>