

## **CHAPTER 5 – COMMITTEES**

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# **1. WESTMINSTER CITY COUNCIL FUNCTIONS DELEGATED TO COMMITTEES/SUB- COMMITTEES OF THE COUNCIL**

These are set out in the Terms of Reference of the following Committees/Sub-Committees:

- i. General Purposes
- ii. General Purposes Urgency
- iii. Audit and Performance
- iv. Audit and Performance Urgency
- v. Strategic Planning Committee
- vi. Planning Sub-Committees
- vii. Licensing Committee
- viii. Licensing Sub-Committees
- ix. Pension Fund Committee
- x. Pension Board
- xi. Education (Awards) Appeals Sub-Committee
- xii. Ratings Advisory Panel
- xiii. Discretionary Housing Payments Review Panel
- xiv. Health and Wellbeing Board
- xv. Standards Committee
- xvi. Pension Fund Committee
- xvii. Staff Appeals Sub-Committee
- xviii. Appointments Sub-Committee
- xix. Overview and Scrutiny Committee
- xx. Climate Action, Environment and Highways Policy and Scrutiny Committee
- xxi. Housing and Regeneration Policy and Scrutiny Committee
- xxii. Young People, Learning and Employment Policy and Scrutiny Committee
- xxiii. Vulnerable Adults, Health and Communities Policy and Scrutiny Committee
- xxiv. Northwest London Joint Health Overview and Scrutiny Committee
- xxv. Inner West London Mental Health Services Reconfiguration Joint Health Overview and Scrutiny Committee

## **2. STANDING ORDERS RELATING TO THE COMMITTEES AND SUB-COMMITTEES**

### **2.1. INTRODUCTION AND INTERPRETATION**

- (1) These Standing Orders regulate meetings of the Cabinet, Committees and Sub-Committees and impose minimum financial and other requirements. The Standing Orders also refer to some obligations imposed by statute.
- (2) The person presiding at a meeting (Chair) of a Committee or Sub-Committee, shall be the final authority as to the interpretation of Standing Orders.
- (3) In the event of any conflict between these standing orders and any more specific requirement of the Executive Procedure Rules and / or the Policy and Scrutiny Procedure Rules, the latter shall prevail.

### **2.2. APPOINTMENT AND MEMBERSHIPS, COMMITTEES AND SUB-COMMITTEES**

- (1) Members of Committees and Sub-Committees shall be appointed by the Chief Executive in accordance with the wishes of the Political Groups subject to any limitations imposed by legislation or Standing Orders notified to him in accordance with the Local Government (Committees and Political Groups) Regulations 1990 provided that where a Political Group has failed to express its wishes in relation to an appointment in accordance with the Regulations the Council in the case of a seat on a Committee or the parent Committee in the case of a seat on a Sub-Committee may make such appointment as it thinks fit. Any change in the membership of a Committee or Sub-Committee shall be reported at the commencement of the next meeting of the Committee or Sub-Committee.
- (2) Membership of Sub-Committees, may be drawn from the whole Council, except that Members of the Cabinet may not be Members of a Policy and Scrutiny Committee or any Sub-Committee thereof. A Member of the Cabinet may not be appointed as Chair of the Standards Committee or any Sub-Committee thereof. No Member may be involved in scrutinising a decision which they have been directly involved in.
- (3) The Leader (or Deputy Leader where notified and in the absence of the Leader) or the Chief Whip or Deputy Whip as notified by them of each political group of the Council may notify the Chief Executive up to two hours prior to the meeting of any substitute Members for a meeting of a Committee or Sub-Committee provided that the substitute is also a member of the same political group and in the case of Policy and Scrutiny Committees is not a member of

the Cabinet. Following the notification of a substitute the permanent Member shall only resume their membership at the conclusion of the relevant meeting.

### **2.3. APPOINTMENT AND DUTIES OF CHAIRS AND VICE-CHAIRS OF COMMITTEES AND SUB-COMMITTEES**

- (1) The Leader of the Council (the Deputy Leader in the Leader's absence) may nominate the Chairs and Vice-Chairs of Committees, Sub-Committees and other subordinate bodies, which Committees, Sub-Committees or subordinate bodies shall determine whether or not to appoint the person(s) so nominated at their first or next appropriate meeting following such nomination.
- (2) In the case of any Committee or Sub-Committee, more than one Vice-Chair may be appointed. If in the absence of the Chair of any Committee more than one Vice-Chair is present, the Vice-Chairs shall agree which of them shall preside at the meeting. In default of such agreement the Committee or Sub-Committee shall elect a Chair for that meeting only.
- (3) The Chair of a Committee or Sub-Committee shall:
  - i. preside at every meeting of the relevant body at which he is present and exercise any powers or duty of the Chair;
  - ii. authorise the minutes of proceedings of the previous meeting when approved as a correct record;
  - iii. in the case of an equality of votes, have a second or casting vote;
  - iv. determine all questions of order; and
  - v. have power, after consultation with the member nominated by the other party group as their spokesman if any, to authorise
    - a) the convening of an additional meeting
    - b) variation to the date and/or time and/or place of a schedule meeting;
    - c) the cancellation of a meeting if, in his/her opinion, there is insufficient business to warrant the holding of such a meeting or for other special reasons.
- (4) A Vice-Chair of the Committee or Sub-Committee shall in the absence of the Chair, have the powers, duties and rights of the Chair.
- (5) Where no appointment of a Chair and a Vice-Chair of a Sub-Committee has been made or when the appointed Chair and Vice-Chair of the Sub-Committee are absent the powers in paragraph 3 above may be exercised by the Chair or Vice-Chair of the parent Committee.
- (6) Where no appointment of a Chair or Vice-Chair of a Committee or Sub-Committee has been made the provisions of paragraph 3 above may be exercised by the Chief Executive in consultation with any person nominated

(or deemed to be so nominated) as Chair and/or Vice-Chair of the relevant Committee or Sub-Committee in accordance with paragraph 1 above.

#### **2.4. NOTICE AND PLACE OF MEETINGS OF THE CABINET, COMMITTEES AND SUB-COMMITTEES**

- (1) The General Purposes Committee shall each year determine a schedule of meetings for the Policy and Scrutiny Committees and the non-Executive Committees and Sub-Committees, which may be varied in accordance with Standing Orders. The Leader will also agree a Schedule of meetings of the Cabinet and any Cabinet Committees.
- (2) At least five days excluding, Saturdays, Sundays and public holidays, before the day appointed for a meeting of the Cabinet, a Committee or Sub-Committee, public notice shall be given and the Chief Executive shall send to every member of the Cabinet, Committee or relevant Member a notice convening the meeting setting out the time and place of the meeting and specifying the business to be transacted at the meeting, provided that:
  - i. want of service of notice on any member of the Cabinet, a Committee or Sub-Committee shall not affect the validity of the meeting;
  - ii. by reason of special circumstances (which shall be recorded in the Minutes) the Chair may at his their discretion admit for consideration items of business which are in his their opinion urgent;
  - iii. the order of business may be varied at the discretion of the Chair at the meeting.
  - iv. such notice may be delivered by electronic means.

#### **2.5. CONDUCT OF DEBATE OF THE CABINET, COMMITTEES AND SUB-COMMITTEES**

- (1) When the Chair speaks every other member shall sit and be silent.
- (2) When speaking a member shall remain seated and address the Chair.
- (3) While a member who has been called upon by the Chair to speak is addressing the meeting other members shall remain seated and be silent unless they wish to raise a point of order or to make a personal explanation.
- (4) A member shall direct their speech strictly to the matter under discussion or to a personal explanation or to a point of order.
- (5) Where there is a motion or amendment before the Cabinet, a Committee or Sub-Committee a motion may be formally moved and formally seconded that the question be now put. The Chair shall have a discretion to allow such a motion. No debate on such motion or on the exercise of the discretion allowed

to the Chair shall be permitted and the decision of the Chair shall be final. If a motion that the question be now put is allowed that motion shall immediately be put to the vote and if it is carried the motion or amendment before the Cabinet, Committee or Sub-Committee shall be put to the vote without further debate. If the motion that the question be now put is not carried the debate on the motion or amendment shall continue.

## **2.6. DEPUTATIONS AT MEETINGS OF THE CABINET, COMMITTEES AND SUB-COMMITTEES**

- (1) A request for the reception of a deputation shall be referred by the Chief Executive for consideration by the Cabinet or the appropriate Committee or Sub-Committee which may agree to receive the deputation.
- (2) When the Cabinet, a Committee or Sub-Committee agrees to receive a deputation it shall specify: the number of persons to be received; the number of persons who may address the meeting; and the time to be allocated for speeches by those members of the deputation whom it agrees to hear.

## **2.7. POINTS OF ORDER AND PERSONAL EXPLANATION**

- (1) A member of the Cabinet a Committee or Sub-Committee may raise a point of order at any time, but when doing so must specify the particular Standing Order or statutory provision which they allege has been breached or on which they otherwise rely, specifying the way in which they consider it has been breached.
- (2) Subject to (3) below a member making a personal explanation shall be entitled to be heard forthwith. Any member speaking when a personal explanation is made shall immediately cease their speech. A personal explanation may be made by a member who -
  - i. has spoken earlier in the debate then in progress who wishes to correct a misstatement they have made; or
  - ii. wishes to correct a statement made about them by the person speaking; or
  - iii. wishes to correct a misquotation by the person speaking of facts originally put by them earlier in the debate.
- (3) The ruling of the Chair on a point of order or on the right to make a personal explanation shall be final and shall not be open to debate.

## **2.8. MODE OF VOTING**

- (1) Unless the Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.
- (2) If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.
- (3) Unless a recorded vote is demanded, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.
- (4) Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.
- (5) If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## **2.9. DISORDER**

- (1) If at a meeting of the Cabinet, a Committee or Sub-Committee any member persistently disregards the ruling of the Chair or behaves improperly or offensively (whether to the Chair or to any other member) or wilfully or recklessly obstructs the business of the Cabinet, a Committee or Sub-Committee or acts in a frivolous manner which is, in the opinion of the Chair contrary to the dignity of the Council the Chair may direct that they be not heard further.
- (2) If the member continues their misconduct, the Chair may direct them to leave either for a fixed period or until the end of the meeting and if they refuse to leave the meeting, the Chair shall direct that all necessary steps be taken to secure their removal, and shall adjourn the meeting until such removal is effected.
- (3) If the Chair is satisfied that it is necessary for the purpose of restoring order they may adjourn the meeting. If no period for the adjournment is specified by the Chair the meeting shall be deemed to have been adjourned for 5 minutes.
- (4) The public shall be admitted to any meeting of the Cabinet, Committee or Sub-Committee subject to the power to exclude the public to avoid the disclosure of confidential or exempt information under the Local Government Act 1972, and the power of exclusion to suppress or prevent disorderly

conduct at the meeting. The Chair may, if in their opinion it is necessary in order to prevent disorderly conduct or other misbehaviour by the public or any member of the public:

- i. refuse admission to any person to any meeting of the Cabinet a Committee or Sub-Committee;
  - ii. take all steps necessary to secure the removal of any person previously admitted;
  - iii. order the clearance of the public gallery and may adjourn the meeting whilst such removal or clearance takes place.
- (5) Without prejudice to the powers conferred on the Chair by paragraph (4) of this Standing Order, Chief Executive shall be authorised to appoint suitable persons to act as stewards at meetings of the Cabinet, Committees and Sub-Committees. Any such steward, who shall carry proof of authority and be clearly identifiable as such, shall be empowered to take all steps necessary to maintain order in the public gallery and in the event of disorderly conduct or other misbehaviour by any member of the public shall be empowered without prior instruction from the Chair to order that person to leave and to take all steps necessary to secure the removal of that person from the meeting.
- (6) If the powers in (4) and (5) are exercised, re-admission of the public or any member thereof shall be at the discretion of the Chair.

## **2.10. REPORTING ON PUBLIC MEETINGS**

- (1) Members of the public, including representatives of the media, shall be permitted to report on the Part 1 (public) part of the Council's formal meetings. Reporting may include filming, photographing or making an audio recording of proceedings at a meeting; using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available as the meeting takes place or later to persons not present. The Chair may only refuse permission if there is just reason for doing so, in exceptional circumstances, in the interests of good conduct and in accordance with Standing Order 2.9 (Disorder). Such decisions shall not be open to challenge.

## **2.11. TERMINATION OF MEETING**

- (1) When the Cabinet, a Committee or Sub-Committee, except hearings conducted by the Licensing Sub-Committee, has sat continuously for 4 hours (including any periods of adjournment) then unless after the expiration of 3½ hours it has resolved to continue the sitting beyond 4 hours either to a fixed time or until the completion of all or certain business on the agenda, the Chair

shall draw the attention of the Committee or Sub-Committee to that fact, whereupon all Standing Orders except Standing Order (Disorder) and this one shall be deemed to have been suspended, and he/she shall then direct that there be no further debate. Any report dealing with an urgent item of business shall be placed before the Cabinet, Committee or Sub-Committee for decision but shall not be the subject of debate. Any report submitted for information shall be deemed to have been noted. The Chair shall then advise how any outstanding business will be dealt with.

## **2.12. QUORUMS FOR MEETINGS OF THE CABINET COMMITTEES AND SUB-COMMITTEES**

(1) No business shall be transacted at a meeting of the Cabinet, a Committee or a Sub-Committee unless a quorum is present: The quorums are as follows:-

### Members

Cabinet (See also the Executive Procedure Rules)	3
Policy and Scrutiny Committees	3
Overview and Scrutiny Committee	3
Audit and Performance Committee	3
General Purposes Committee	3
Standards Committee	3
Strategic Planning Committee	3
Urgency Sub-Committees	2
Planning Sub-Committees	3
Licensing Committee	3
Licensing Sub-Committees	2
Education Awards Appeals Sub-Committee	2
Appointments Sub-Committee	2
Rating Advisory Panel	2
Staff Appeals Sub-Committee	2
Any other Committee or Sub-Committee	2

(2) If at the expiration of 15 minutes after the time at which a meeting is convened a quorum is not present, the meeting shall not take place and the business shall, unless otherwise disposed of, be included on the agenda for the next ordinary meeting of the Cabinet, Committee or Sub-Committee.

## **2.13. CABINET, COMMITTEE AND SUB-COMMITTEE MEETINGS OPEN TO ALL MEMBERS**

- (1) A member of the Council shall be entitled to attend a meeting of the Cabinet, a Committee or Sub-Committee of which they are not a member except the following once the press and public have been excluded;
  - i. Staff Appeals Sub-Committee
  - ii. Education Awards Appeals Sub-Committee Licensing Sub-Committees
  - iii. Rating Advisory Panel Appointments Sub-Committee
  - iv. Discretionary Housing Payments Review Panel
  
- (2) Any Member wishing to remain in attendance at a meeting of the above, when the press and public have been excluded, must deliver a written request to the Chief Executive by not later than noon on the day preceding the meeting, setting out his reasons for wishing to attend. The Chief Executive shall then, in consultation with the relevant Chair be authorised to decide, whether, the Member should be permitted to attend on a 'need to know' basis.
  
- (3) Any member attending a meeting of the Cabinet, a Committee or Sub-Committee of which they are not a member may not speak at the meeting except with the consent of the Chair, and for the purpose of obtaining such consent, a visiting member shall indicate to the Chair before the commencement of the meeting the agenda item(s) on which they wish to speak; provided that this limitation shall not apply to:
  - i. the Leader of the Council or to the Leader of the Opposition who shall be entitled to speak at any meeting of the Cabinet, Committee or Sub-Committee;
  - ii. the mover of a motion at a meeting of the Council giving rise to a reference to Cabinet, a Committee or Sub-Committee;
  - iii. a Lead Member appointed from outside the Cabinet's or Committee's Membership who shall have the right to attend and speak (but not vote) at meetings of the Cabinet or Committee on matters within their Lead Member remit.

## **2.14. DECISIONS BETWEEN MEETINGS**

- (1) The Leader (or in their absence the Deputy Leader) shall appoint an Urgency Committee of three Members of the Cabinet. The General Purposes Committee, the Licensing Committee and the Audit and Performance Committee shall each appoint an Urgency Sub-Committee of three Members appointed in accordance with Standing Order 2.2.

- (2) Between scheduled meetings of the Cabinet or the General Purposes Committee, the Licensing Committee or the Audit and Performance Committee any matter may be referred to an Urgency Committee or Sub-Committee constituted in accordance with this Standing Order by the Chief Executive or any Chief Officer where, in the opinion of any of them, it is urgent and cannot wait until the next ordinary meeting of the Cabinet, the General Purposes Committee, the Licensing Committee or the Audit and Performance Committee.
- (3) A meeting of the Cabinet Urgency Committee, the General Purposes, Licensing, or the Audit and Performance Urgency Sub-Committees shall be empowered to decide any matter within the terms of reference of the Cabinet or the relevant parent committee or any of their respective Sub-Committees which has been referred to it for decision by the Chief Executive or any Chief Officer provided that the Urgency Committee or Urgency Sub-Committee is satisfied that the matter cannot wait until the next ordinary meeting.
- (4) All Standing Orders which apply to Committees and Sub-Committees other than those which are inconsistent with this Standing Order, shall apply to a meeting of an Urgency Committee or Urgency Sub-Committee.
- (5) Where the Chief Executive or any Chief Officer is of the opinion that a matter which is within the terms of reference of the General Purposes Committee, the Licensing Committee, the Audit and Performance Committee or the Cabinet but does not require a meeting of the General Purposes, or the Audit and Performance Urgency Sub-Committees, the Licensing Urgency Sub-Committees, the Urgency Committee of the Cabinet, he may send a written report to the members of the Urgency Committee/Sub-Committee, and any Ward Members who would otherwise have been consulted in accordance with the Code of Governance, and make a decision on that matter provided that:
  - i. subject to (ii) below, no matter shall be decided by a Chief Officer pursuant to this Standing Order until the expiration of four clear days from the report being sent and provided further that any written representation received before a decision is taken in accordance with this Standing Order must be considered by the relevant Chief Officer before exercising these powers;
  - ii. in the case of a matter which the Chief Officer considers to be exceptionally urgent they may take a decision before the expiration of four clear days provided they have advised the Members to be consulted of his intention to do so. When taking a key decision under these powers Chief Officers shall also comply with the provisions of Regulations 9(1) and 16 of the Local Authority (Executive Arrangements)(Access to Information)(England) Regulations 2000.
  - iii. in the case of a report submitted in the names of more than one Officer the first named Chief Officer shall exercise these powers unless the matter has been referred to the Chief Executive by any Chief Officer or

has been called in by the Chief Executive for decision in which case the matter shall be determined by the Chief Executive.

## **2.15. CONFIDENTIAL REPORTS AND OTHER DOCUMENTS**

- (1) In respect of reports, parts of reports or other documents which, are marked "Not for publication" or are otherwise described as confidential it shall be the duty of members and officers not to disclose any information contained therein until the Cabinet, a Committee, Sub-Committee, or relevant Chief Officer so decides. Failure to comply with this provision would constitute a breach of the member or officer codes of conduct.

## **2.16. CO-OPTED MEMBERS – VACATION OF OFFICE**

- (1) If a co-opted member of a Committee or Sub-Committee of the Council fails for a period of six consecutive months to attend any meeting of that Committee or Sub-Committee, they shall, unless failure was due to some reason approved by the Council, cease to be a co-opted member of that Committee or Sub-Committee.

## **2.17. LEADERS**

- (1) The Member so chosen by the Majority of the Members of the Council shall be known as the Leader of the Council who must in turn appoint a Member of the Cabinet to be known as the Deputy Leader of the Council. The political party with the second largest number of Members elected to the Council (or a combination of parties) may choose one of their Members to be known as the Leader of the Opposition whose name shall be notified to the Chief Executive who shall advise Members accordingly.
- (2) The Leader of the Council will take Office upon election by the full Council. The Deputy Leader of the Council, and the Leader of the Opposition, shall each take office on the date of the receipt by Chief Executive of notice of their selection and shall cease to hold office on the date of receipt by the Chief Executive of a letter notifying them to that effect.

## **2.18. SUSPENSION OF STANDING ORDERS**

- (1) Any part of these Standing Orders may be suspended (provided such suspension is not contrary to law and does not impinge on the power of a higher authority) in respect of any business at the meeting where its suspension is moved.

## **2.19. PROVISIONS FOR REMOTE MEETINGS**

(1) Where legislation allows, meetings may be held using digital means (i.e. video or telephone conferencing). This means meetings can be held in person, virtually, or with some people attending in person and some people attending virtually.

### **3. TERMS OF REFERENCE FOR COMMITTEES (EXCEPT POLICY AND SCRUTINY COMMITTEES)**

# **STRATEGIC PLANNING COMMITTEE**

## **CONSTITUTION**

5 members of the Council (3 Majority party members and 2 Opposition party members).

## **TERMS OF REFERENCE**

- (1) To consider proposed local plan policies (and supplementary planning documents) at appropriate stages of the statutory process for their preparation and adoption and make recommendations to the relevant Cabinet Member.
- (2) To have oversight of the practices and procedures of the Planning Sub-Committees making recommendations where necessary to officers, Planning Sub-Committees and/or the Cabinet Member responsible for Planning.
- (3) To consider and recommend a training programme for members of the Strategic Planning Committee and Planning Sub-Committees.
- (4) The making and issuing within the policy context determined by the Council, of decisions on applications for permission, notices and deposit of plans under the Planning Acts, the Building Act 1984, the London Building Acts, the London Squares Preservation Act 1931 and any Local Act requiring decisions relating to planning and building control functions, to the extent that these are non-executive functions.
- (5) To review planning briefs and recommend any changes to the Cabinet Member responsible for planning for consideration.
- (6) Authorisation of
  - (a) agreements and undertakings under Section 106 and 299A of the Town and Country Planning Act 1990, Section 16 of the Greater London Council (General Powers) Act 1974, Section 33 of the Local Government (Miscellaneous Provisions) Act 1972 and where required in connection with planning applications, Section 278 of the Highways Act 1980, and the release of such obligations;
  - (b) notices, orders (including the confirmation of) Tree Preservation Orders, Directions Certificates and Grants under the Planning Acts;
  - (c) rights of entry under the Planning Acts, the Building Act 1984, the London Building Acts and any such rights conferred by other legislation where incidental to functions under these Acts;
  - (d) the carrying out of works and the recovery of costs in default of compliance with Notices issued or served under the Planning Acts London Building Acts and Building Act 1984;

- (7) Within the policy context determined by the Council and the Cabinet Member responsible for planning, to exercise the functions of the Council under the Town and Country Planning (Control of Advertisements) Regulations.
- (8) To approve highway works, highway amenities, Highways matters relating to approved development, the dedication of land for highway purposes and the stopping up or diversion of highways and any necessary traffic orders in connection with planning applications or the implementation of permissions resulting from such applications subject to the whole of any cost involved being payable by developers and secured by Agreement.
- (9) To determine matters referred by officers under Part 8 (High Hedges) of the Antisocial Behaviour Act 2003.

# **PLANNING SUB-COMMITTEE (X 2)**

## **CONSTITUTION**

Planning Sub-Committees 1-2 consist of 5 Members of the Council (3 Majority Party Members and 2 Opposition Party Membes)

## **TERMS OF REFERENCE**

- (1) The making and issuing within the policy context determined by the Council, of decisions on applications for permission, notices and deposit of plans under the Planning Acts, the Building Act 1984, the London Building Acts, the London Squares Preservation Act 1931 and any Local Act requiring decisions relating to planning and building control functions, to the extent that these are Non-Executive functions.
- (2) To review planning briefs and recommend any changes to the Cabinet Member for Built Environment for consideration.
- (3) Authorisation of
  - (a) agreements and undertakings under Section 106 and 299A of the Town and Country Planning Act 1990, Section 16 of the Greater London Council (General Powers) Act 1974, Section 33 of the Local Government (Miscellaneous Provisions) Act 1972 and where required in connection with planning applications, Section 278 of the Highways Act 1980, and the release of such obligations;
  - (b) notices, orders (including the confirmation of) Tree Preservation Orders, Directions Certificates and Grants under the Planning Acts;
  - (c) rights of entry under the Planning Acts, the Building Act 1984, the London Building Acts and any such rights conferred by other legislation where incidental to functions under these Acts;
  - (d) the carrying out of works and the recovery of costs in default of compliance with Notices issued or served under the Planning Acts London Building Acts and Building Act 1984;
- (4) Within the policy context determined by the Council and the Cabinet Member for Built Environment, to exercise the functions of the Council under the Town and Country Planning (Control of Advertisements) Regulations.
- (5) To approve highway works, highway amenities, Highways matters relating to approved development, the dedication of land for highway purposes and the stopping up or diversion of highways and any necessary traffic orders in connection with planning applications or the implementation of permissions

resulting from such applications subject to the whole of any cost involved being payable by developers and secured by Agreement.

- (6) To determine matters referred by officers under Part 8 (High Hedges) of the Anti-Social Behaviour Act 2003.

# **LICENSING COMMITTEE**

## **CONSTITUTION**

15 Members of the Council. 8 nominated by the Majority party and 7 nominated by the Opposition party.

## **TERMS OF REFERENCE**

- (1) All matters relating to the discharge by the Authority of its licensing functions as required by Section 7(1) of the Licensing Act 2003.
- (2) To receive reports on Licensing Act 2003 matters, as required by the Council's Policy Statement on Licensing.
- (3) To agree procedures for operation by the Licensing Committee and the Licensing Sub-Committees when conducting hearings and other functions within their terms of reference.
- (4) To establish Licensing Sub-Committees and approve their terms of reference.
- (5) To be responsible for those matters more fully set out in the terms of reference of the Licensing Sub-Committee and to determine any matter referred to it by a Licensing Sub-Committee.
- (6) To consider any reports which are required by Statute to be submitted to the Licensing Committee.
- (7) To be responsible for the delegation to Officers of licensing functions as defined by the Licensing Act 2003 and the other functions included within these Terms of Reference.
- (8) Procedures for the conduct of business at the Officer Panel and the Licensing Sub-Committees, including all matters in respect of the processing of applications.
- (9) Non-executive matters in respect of the Council's Street Markets and all other non-executive Street Trading matters.
- (10) Non-executive matters in respect of licensing functions within these terms of reference and those of the Licensing Sub-Committees.
- (11) The grant, approval, review, refusal, revocation, renewal, transfer of variation of any licence, registration, certificate, consent, permit, approval of permission, except where such function is within the terms of reference of a Cabinet Member or such specific matter is being discharged by a Licensing Sub-Committee.
- (12) All non-executive functions relating to the Gambling Act 2005.

# **LICENSING SUB-COMMITTEE NOS 1 TO 5**

## CONSTITUTION

3 Members of the Licensing Committee

## TERMS OF REFERENCE

LICENSING ACT 2003

Personal Licences

- (1) To consider applications for a personal licence, where a representation has been made and the Cabinet Member for Public Protection and Licensing has asked that the application be referred to a Licensing Sub-Committee for determination.
- (2) To consider applications for a personal licence in cases where the applicant has unspent criminal convictions.

## PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

- (3) To consider applications for premises licences/club premises certificates where a representation has been made.
- (4) To consider applications for provisional statement where a representation has been made.
- (5) To consider applications for the transfer of a premises licence where a representation by the Police has been made.
- (6) To consider applications for interim authorities where a representation by the Police has been made.
- (7) To consider reviews to premises licences/club premises certificates where these have been requested by the relevant authority in accordance with the relevant regulations.

## GAMBLING ACT 2005

To consider applications, submitted in accordance with the Gambling Act 2005.

## TEMPORARY EVENT NOTICES

- (8) To determine a Police representation in respect of a temporary event notice.

# LICENSING SUB-COMMITTEE NO 6

## CONSTITUTION

3 Members of the Licensing Committee

## TERMS OF REFERENCE

LICENSING ACT 2003

Personal Licences

- (1) To consider applications for a personal licence, where a representation has been made and the Cabinet Member for Public Protection and Licensing has asked that the application be referred to a Licensing Sub-Committee for determination.
- (2) To consider applications for a personal licence in cases where the applicant has unspent criminal convictions.

## PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

- (3) To consider applications for premises licences/club premises certificates where a representation has been made.
- (4) To consider applications for provisional statement where a representation has been made.
- (5) To consider applications for the transfer of a premises licence where a representation by the Police has been made.
- (6) To consider applications for interim authorities where a representation by the Police has been made.
- (7) To consider reviews to premises licences/club premises certificates where these have been requested by the relevant authority in accordance with the relevant regulations.

## GAMBLING ACT 2005

To consider applications, submitted in accordance with the Gambling Act 2005.

## TEMPORARY EVENT NOTICES

- (8) To determine a Police representation in respect of a temporary event notice.

## OTHER LICENSING FUNCTIONS

- (9) The grant, approval, review, refusal, revocation, renewal, transfer or variation of any licence, registration, certificate, consent, permit, approval or permission, except where such function is within the terms of reference of another committee or sub-committee; body;
- (10) Without prejudice to the powers delegated to officers, and to the Licensing Officers' Panels, to hear and determine applications and appeals where there is a right to be heard;
- (11) Procedures for the conduct of business at the Officer Panel and the Licensing Sub-Committee, including all matters in respect of processing applications.
- (12) Operational matters in respect of licensing functions within the terms of reference of the Sub-Committee;
- (13) The approval of commodity guidelines in markets;
- (14) The designation, de-designation and variations to designations of street trading pitches;
- (15) The amendment of rules of management and standard conditions;
- (16) To consider and hear representations in respect of fees and charges and to determine the amounts thereof;
- (17) The consideration of all matters applications in respect of the minor licensing functions e.g. Pedlars Act and Nurseries Act; which have not been the subject of delegations to Officers;
- (18) To authorise a later hour in substitution for 12 midnight in Bylaw 3(2) of the Pleasure Fairs (Amusement Premises) Bylaws.

# **LICENSING URGENCY SUB-COMMITTEE**

## **CONSTITUTION**

3 Members of the Licensing Committee

## **TERMS OF REFERENCE**

All matters within the terms of reference of the Licensing Committee and its Sub-Committees provided that the Urgency Sub-Committee is satisfied that the matter is urgent and cannot wait until the next relevant meeting.

# **GENERAL PURPOSES COMMITTEE**

## **CONSTITUTION**

5 Members of the Council (3 Majority Party Members and 2 Opposition Party Members).

## **TERMS OF REFERENCE**

### (1) MEMBERS ALLOWANCES

Making recommendations to the Council for the adoption or revision of a scheme of allowances for Members.

### (2) HEALTH AND SAFETY

The City Council's functions under the Health and Safety at Work Act 1974 (except to the extent that these functions are discharged by the Council or an employer).

### (3) FUNCTIONS IN RELATION TO ELECTIONS

Elections and Electoral Registration Matters.

### (4) PROMOTION/OPPOSITION OF LEGISLATION/BYELAWS

(a) To make recommendations to the Council as to the promotion or opposition to legislation where considered appropriate.

(b) To recommend to Council the adoption, amendment or repeal of bylaws.

### (5) CONSTITUTION AND STANDING ORDERS

To keep under review and make recommendations as to the Constitution and to recommend to the Council the adoption, repeal or amendment of Standing Orders. To make recommendations to the Council as to the appointment of Committees.

Note: This does not apply to changes to the following core documents which are the responsibility of the relevant Cabinet Member, Committee or Strategic Executive Board Member or Head of Service to approve. In addition, changes to the terms of reference of Sub-Committees shall, once approved by the relevant parent committee be included in the Constitution, without additional approval being necessary.

Code of Governance	(Chief Executive)
Procurement Code	(Relevant Cabinet Member)
Scheme of Delegations *	(Director of Law)
Employee Code	(Director responsible for People Services)
Financial Regulations	(The City Treasurer)

\* The Scheme of Delegations will only be updated by the Director of Law following the approval of the delegation by the Cabinet, Cabinet Member or relevant Committee.

(6) PAYMENTS OF COMPENSATION IN CASES OF MALADMINISTRATION

Approval of payments and benefits in cases of maladministration where these exceed Chief Officers delegated powers or the relevant Chief Officers refer the matter to the Committee.

(7) ETHICAL GOVERNANCE

Notwithstanding the terms of reference of the Audit and Performance Committee, the General Purposes Committee will retain the responsibility for monitoring and implementing the action plan arising from the Audit Commission's Ethical Governance Audit of Westminster.

(8) OTHER MATTERS

- (a) All other non-executive functions not delegated to any other committee.
- (b) All other functions referred to in Schedule 2 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (i.e. "local choice" functions) not specifically allocated.
- (c) Other matters more specifically included in the terms of reference of the Committee's Sub-Committees.

# **GENERAL PURPOSES URGENCY SUB-COMMITTEE**

## **CONSTITUTION**

3 Members of the Council

## **TERMS OF REFERENCE**

- (1) All matters within the terms of reference of the General Purposes Committee and its Sub-Committees provided that the Urgency Sub-Committee is satisfied that the matter is urgent and cannot wait until the next relevant meeting.

# **APPOINTMENTS SUB-COMMITTEE**

## CONSTITUTION

4 Members of the Council (must contain at least one member of the Cabinet)

## TERMS OF REFERENCE

### (1) GENERAL

(a) To control the appointment, dismissal, retirement, pensions and other personnel matters of the Chief Executive, Chief Officers and Deputy Chief Officers.

(b) In the case of Deputy Chief Officers to undertake the functions listed in (a) above except where the relevant Cabinet Member has indicated that they don't wish the Appointments Sub-Committee to do so.

(c) To also be responsible for the appointment, on behalf of the City Council, of Chief Officers being appointed as part of the Tri-borough arrangements. Deputy Chief Officers shall also be appointed by this process except where the relevant Cabinet Member has indicated that they wish the appointment to be made by the Chief Executive or another Chief Officer in accordance with the Council's usual appointment procedures.

### (2) APPOINTMENTS

(a) To interview for vacant posts and make appointments and subsequent arrangements in respect of the above posts.

# **STAFF APPEALS SUB-COMMITTEE**

## CONSTITUTION

3 members of the Council.

## TERMS OF REFERENCE

To hear and determine appeals against disciplinary action; in accordance with the City Council's codes and procedures.

# **RATING ADVISORY PANEL**

## **CONSTITUTION**

4 Members of the Council (3 Majority Party and 1 Opposition Party).

## **TERMS OF REFERENCE**

- (1) To hear and make recommendations to the Cabinet Member for Finance, Property and Regeneration on appeals in respect of the decision of the Chief Finance Officer not to reduce or remit the whole of a ratepayer's liability for National Non-Domestic Rate on the grounds of hardship, in accordance with the City Council's guidelines.
- (2) To consider and make recommendations to the Cabinet for Finance, Property and Regeneration on applications for Non-Domestic Rate relief which have been referred to the Panel by the Chief Finance Officer because, in his opinion, they are cases of a special nature.

# **EDUCATION (AWARDS) APPEALS SUB-COMMITTEE**

## CONSTITUTION

4 Members of the Council

## TERMS OF REFERENCE

(1) The determination of Appeals against the refusal of Post-Compulsory (Schools) Education Awards under the Education Act 1996 as amended, or any legislation amending or replacing the same.

(2) The determination of appeals against the refusal of Pupil Benefit Awards under the Education Acts 1944 to 1994 (or any legislation amending or replacing the same), including the following:

- (a) the provision of home to school transport;
- (b) the provision of school journey grants;
- (c) the provision of school clothing awards;
- (d) the payment of fees for dancing and choral music schools.

(3) Subject to the approval of the Cabinet Member for Children's Services of the revised policy to consider appeals against the refusal of the award of transport assistance for pupils with special and additional educational needs.

# **DISCRETIONARY HOUSING PAYMENTS REVIEW PANEL**

## CONSTITUTION

3 Members of the Council.

## TERMS OF REFERENCE

To hear appeals against decisions in respect of discretionary housing payments and to make recommendations to the Cabinet member for Finance, Property and Regeneration.

# PENSION FUND COMMITTEE

## CONSTITUTION

5 Members of the Council (3 Majority Party Members and 2 Opposition Party Members)

## TERMS OF REFERENCE

To have responsibility for all aspects of the investment and other management activity of the Council's Superannuation Fund, including, but not limited to, the following matters:

- (1) To agree the investment strategy having regard to the advice of the Fund Managers and the independent adviser.
- (2) To monitor performance of the Fund and of the individual Fund Managers;
- (3) To determine the Fund management arrangements, including the appointment and termination of the appointment of the Fund Managers, Custodians and Fund Advisers.
- (4) To agree the Statement of Investment Principles, the Funding Strategy Statement, the Business Plan for the Fund, the Governance Policy Statement, the Communications Policy Statement and the Governance Compliance Statement and to ensure compliance with these.
- (5) To approve and publish the pension fund annual report.
- (6) To prepare and publish a pension administration strategy.
- (7) To make an admission agreement with any admission body.
- (8) To ensure compliance with all relevant statutes, regulations and best practice with both the public and private sectors.
- (9) To determine the compensation policy on termination of employment and to make any decisions in accordance with that policy other than decisions in respect of the Chief Executive, Chief Officers and Deputy Chief Officers of the Council (which fall within the remit of the Appointments Sub-Committee).
- (10) To determine policy on the award of additional membership of the pension fund and to make any decisions in accordance with that policy other than decisions in respect of the Chief Executive, Chief Officers and Deputy Chief Officers of the Council (which fall within the remit of the Appointments Sub-Committee).
- (11) To determine policy on the award of additional pension and to make any decisions in accordance with that policy other than decisions in respect of the Chief Executive, Chief Officers and Deputy Chief Officers of the Council (which fall within the remit of the Appointments Sub-Committee).

- (12) To determine policy on retirement before the age of 60 and to make any decisions in accordance with that policy other than decisions in respect of the Chief Executive, Chief Officers and Deputy Chief Officers of the Council (which fall within the remit of the Appointments Sub-Committee).
- (13) To determine a policy on flexible retirement and to make any decisions in accordance with that policy other than decisions in respect of the Chief Executive, Chief Officers and Deputy Chief Officers of the Council (which fall within the remit of the Appointments Sub-Committee).
- (14) To determine questions and disputes pursuant to the Internal Disputes Resolution Procedures.
- (15) To determine any other investment or pension policies that may be required from time to time so as to comply with Government regulations and to make any decisions in accordance with those policies other than decisions in respect of the Chief Executive, Chief Officers and Deputy Chief Officers of the Council (which fall within the remit of the Appointments Sub-Committee).

# **STANDARDS COMMITTEE TERMS OF REFERENCE**

## CONSTITUTION

6 Members of the Council, 4 Majority Party Members and 2 Opposition Party Member.

## TERMS OF REFERENCE

(1) To promote and maintain high standards of conduct by the Members and Co-opted Members of the City Council.

(2) To advise the City Council on the adoption or revision of a Code of Conduct for Members.

(3) Advising, training or arranging to train Members and Co-opted Members on matters relating to the City Council's Code of Conduct for Members.

(4) To assist Members and Co-opted Members observe the City Council's Code of Conduct for Members.

(5) To monitor the operation of Code of Conduct for Members.

(6) Consider reports referred to the Committee by ethical standards officers or the Monitoring Officer of investigations into alleged breaches of the City Council's Code of Conduct for Members.

(7) Where necessary, to conduct hearings into allegations of breaches of the said code, and interview officers, Members and others as required.

(8) Determining whether allegations of breaches of the said code are made out and determining what action, if any, to take in relation hereto including, where it is determined that a breach has occurred, deciding what sanctions, if any, should be applied in relation to the Member or Member concerned (and for the avoidance of doubt, the Committee shall only have power to impose any sanction authorised by law).

(9) Consider any complaints in respect of Members referred to the Committee under the City Council's "Whistleblowing" procedure and determining the action to be taken, if any.

(10) To the extent allowed by the Law, granting dispensations in relation to Member and co-opted Member interests as referred to in the Members Code of Conduct.

(11) To consider, advise and, if appropriate, take action upon other Member conduct issues not otherwise dealt with under these terms of reference.

# AUDIT AND PERFORMANCE COMMITTEE

## CONSTITUTION

5 Members of the Council, 3 Majority Party Members, 2 Opposition Party Members and 1 Independent Member, but shall not include a Cabinet Member.

## TERMS OF REFERENCE

### Audit Activity

- (1) To consider the head of internal audit's annual report including the auditor's opinion on the Council's control environment and a summary of internal audit and anti-fraud activity and key findings.
- (2) To consider reports, at regular intervals, which summarise: the performance of the Council's internal audit and anti fraud service provider/s audits and investigations undertaken and key findings progress with implementation of agreed recommendations
- (3) To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- (4) To consider specific reports as agreed with the external auditor.
- (5) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (6) To liaise with the Audit Commission over the appointment of the Council's external auditor.
- (7) To comment on the proposed work plans of internal and external audit.

### Regulatory Framework

- (8) To maintain an overview of the Council's Constitution in respect of contract procedure rules, financial regulations and codes of conduct and behaviour.
- (9) To review any issue referred to it by the Chief Executive or a Director, or any Council body.
- (10) To monitor the effective development and operation of risk management and corporate governance in the Council.
- (11) To monitor Council policies on 'Raising Concerns at Work', the Council's complaints process and the Antifraud and Corruption Strategy; specifically the effectiveness of arrangements in place to ensure the Council is compliant with the Bribery Act 2010.

- (12) To oversee the production of the authority's Statement on Internal Control and to recommend its adoption.
- (13) To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- (14) To consider the Council's compliance with its own and other published standards and controls.
- (15) To maintain an overview of the arrangements in place for maintaining High Ethical Standards throughout the Authority and in this context to receive a report annually from the Director of Law and the Chief Finance Officer.

#### Accounts

- (16) To review the annual statement of accounts and approve these for publication. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- (17) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

#### Performance Monitoring

- (18) To review and scrutinise the financial implications of external inspection reports relating to the City Council.
- (19) To receive the quarterly performance monitoring report and refer any issues which in the Committee's view require more detailed scrutiny to the relevant Policy and Scrutiny Committee.
- (20) To review and scrutinise personnel issues where they impact on the financial or operational performance of the Council including but not limited to agency costs, long-term sickness, ill health early retirements and vacancies; and
- (21) To review and scrutinise Stage 2 complaints made against the City Council and monitor progress.
- (22) To consider and advise upon, prior to tender, the most appropriate contractual arrangements where a proposed contract has been referred to the Committee by the Chief Executive.
- (23) To maintain an overview of overall contract performance on behalf of the Council.
- (24) To review and scrutinise contracts let by the Council for value for money and adherence to the Council's Procurement Code.

(25) To review and scrutinise the Council's value for money to Council tax payers.

(26) To scrutinise any item of expenditure that the Committee deems necessary in order to ensure probity and value for money.

### Staffing

(27) To advise the Cabinet Member for with responsibility for Finance on issues relating to the remuneration of all staff as necessary.

(28) In the course of carrying out its duties in respect of 27 above, to have regard to the suitability and application of any grading or performance related pay schemes operated, or proposed, by the Council.

# **AUDIT & PERFORMANCE URGENCY SUB-COMMITTEE**

## CONSTITUTION

3 Members of the Council.

## TERMS OF REFERENCE

All matters within the terms of reference of the Audit and Performance Committee and its Sub-Committees provided that the Urgency Sub-Committee is satisfied that the matter is urgent and cannot wait until the next relevant meeting.

# HEALTH & WELLBEING BOARD TERMS OF REFERENCE

## 1. VISION OF THE BOARD

1.1 The Westminster Health and Wellbeing Board will provide strong and effective leadership across the local authority and NHS partners by setting a clear direction, across traditional boundaries, to deliver change and fresh thinking. The Board will work in partnership to address health issues that cannot be tackled by one organisation alone and to undertake joint commissioning where this will deliver the best value for money for investment.

1.2 The Board will recognise that one size does not fit all and will ensure that services are designed to reflect the changing needs of the individuals and communities they serve and are easy to access. The Board will be accountable to those they serve through elected members, and will act as a champion for the voice of those who live, work and play in Westminster.

1.3 The broad vision for the Board is that it will Promote joint commissioning, pooled budget arrangements and other resources, where all parties agree this makes sense, in order to deliver more effective and efficient local services Agree strategic priorities for the borough and push progress against these priorities further and faster, ensuring 'silo working' and conflict are removed. Organisational boundaries should not be hindrance to developing effective solutions. demonstrate clear leadership, championing the work and aims of the Board, and act as the key link between their own organisation or department and the Board, ensuring consistency and effective communications. Work with other Health and Wellbeing Boards within the tri-borough arrangements, as well as regional and national partners, where this is identified as the most appropriate way of tackling issues and addressing need.

## 2. RESPONSIBILITIES

2.1 To provide strategic and organisational leadership in developing the vision for health and wellbeing in Westminster and mobilising, co-ordinating and ensure commissioning decisions are based on clear evidence for improving outcomes.

2.2 To mobilise, coordinate and share resources from its membership, and from others, to deliver agreed priorities.

2.3 To oversee the production and use of a programme of Joint Strategic Needs Assessments (JSNA) by the local authority and the Clinical Commissioning Groups, and ensure that the needs of the local population are properly assessed and captured. The JSNA should aim to map assets as well as needs for local areas and become embedded across the commissioning process of all systems. To also oversee the production and maintenance of the Pharmaceutical Needs Assessment (PNA)

2.4 To develop a concise and outcome-focussed Joint Health and Wellbeing Strategy (JHWS) derived from the JSNA which identifies areas where partnerships

working across health, social care and the wider determinants could better address the need of the local population. The strategy will provide both: An overarching framework within which more detailed and specific commissioning plans by CCGs, LAs and others are developed; and Specific actions where the Health and Wellbeing Board can drive progress further and faster.

2.5 To ensure that all commissioners (the local authority, the CCGs and the National Commissioning Board) meet their legal obligations by having regard to the JSNA and JHWS when commissioning and developing their commissioning plan.

2.6 To have a formal role in authorising the local CCG(s), ensure that their plans take account of the JSNA and JHWS, and contribute to the NHS Commissioning Board (NHSCB) annual assessment of CCGs.

2.7 To put in place sub-groups to the Board, as and when required, to support the delivery of its functions.

2.8 To promote and encourage integrated working across the wider determinants of health including alignment between organisation and department plan and strategies and to actively consider the use of the Health Act flexibilities (integrated provision, pooled budgets and joint commissioning)

2.9 To ensure effective engagement and involvement – staff, provider, public, patient, service user and community – at all stages of the process. The HWB and CCGs have a statutory duty to involve those who live and work, in the preparation of the JSNA and JHWS.

2.10 To develop an annual workplan, as well as short, medium and long term goals that have measurable outcomes aligned to the NHS, Public Health and Social Care outcomes frameworks, so that the performance of the Board and others with responsibility to deliver aspects of the Joint Health and Wellbeing Strategy can be measured, and is accountable.

2.11 To produce an annual report on progress, and to consider other reports identifying health and social care needs such as the annual report produced by the Director of Health.

2.12 To ensure, through Board members, alignment between organisation and department plans and strategies. Also to have sight of and influence the strategies and key policies of the local NHS, the Council, the Community and Voluntary sector, and other partner agencies.

2.13 To respond to any relevant local, regional or national consultations on major service redesigns for health, care and wellbeing related service provided within the borough or that affect the borough.

2.14 To promote and support opportunities for tri-borough commissioning of health, care and wellbeing where this is the most appropriate way of addressing issues.

2.15 To meet the new efficiency and austerity agenda by ensuring value for money across all services.

### 3. MEMBERSHIP:

3.1 Meetings of the Board will be chaired by the relevant Cabinet Member.

3.2 The Health and Wellbeing Board has the power to appoint additional persons to the Board as it deems appropriate.

3.3 Members of the Board shall each name a deputy who will have the authority to make decisions in the event that they are unable to attend a meeting.

3.4 The Vice-Chair of the Health and Wellbeing Board will be a representative of a Westminster CCG.

3.5 Only the following members of the Board, are considered voting members (see 8.2): The relevant cabinet members of the local authority (or their deputies) The clinical representative of Central London Clinical Commissioning Group (of their deputy) The clinical representative of West London Clinical Commissioning Group (or their deputy); and The representative from Westminster Healthwatch (or their deputy)

3.6 In attendance at meetings in an advisory capacity if required will be: Chairman of the Operational Group Chairmen of any designated Delivery Groups Chairman of NHS Sub-cluster Accountable officer for the CWHH CCG collaborative Consultant in Public Health Strategic Directors of WCC Health and Wellbeing Board Support Team

### 4. ACCOUNTABILITY

4.1 The Board will be accountable for delivery of improved health, wellbeing and social care outcomes as defined in DH guidance to: the community it serves its members which include elected members the NHS Commissioning Board (from April, 2013)

### 5. SCRUTINY

5.1 Independent scrutiny of the HWB performance, functions and outcomes will be provided by the relevant Policy and Scrutiny Committees of the Council.

### 6. RELATIONSHIP BETWEEN THE HEALTH AND WELLBEING BOARD AND THE HEALTH AND WELLBEING OPERATIONAL GROUP

6.1 The Health and Wellbeing Board will be responsible for setting the strategic vision and priorities for Health and Wellbeing in Westminster.

6.2 The Health and Wellbeing Operational Group will be responsible for developing and delivering the Health and Wellbeing Strategy, informed by the Joint Strategic Needs Assessment, on behalf of the Board.

6.3 The Board will receive quarterly exception reports from the Health and Wellbeing Operational Group setting out milestones, deliverables and risk. An annual progress report will also be provided to the Board.

## 7. MEETING FREQUENCY

7.1 The Board shall meet four times within a financial year.

7.2 An extraordinary meeting will be called when the Chairman considers this necessary and/or in the circumstances where the Chairman receives a request in writing by 50% of the membership of the Board.

## 8. CONDUCT OF MEETINGS

8.1 The quorum for meetings shall be 50% of the membership, including at least one representative from each of the 4 voting members:

8.2 Decisions shall be made on the basis of consensus wherever this is possible. Where a consensus is not possible then decisions will be made on the basis of a show of hands of those who are identified below as being sanctioned to vote on the Health and Wellbeing Board. Those sanctioned to vote are: The two cabinet members of the local authority (or their deputies) A clinical representative from Central London Clinical Commissioning Group (or their deputy) A clinical representative from West London Clinical Commissioning Group (or their deputy); and A representative of Westminster Healthwatch (or their deputy)

8.3 Health and Wellbeing Board meetings will be conducted in line with the standard Access to Information rules that apply to all Council committees and therefore, unless exemptions apply which allow for business to be conducted in private, will be held in public.

8.4 The Chair shall sign off the minutes as a true and accurate record of the meeting and these will be available on the website of the council.

8.5 Agendas and supporting papers will be available on the websites of the council one week before the meeting.

8.6 The terms of reference will be reviewed annually.

**4. RULES OF PROCEDURE GOVERNING APPLICATIONS  
AND OTHER PERMISSIONS UNDER THE LICENSING  
ACT 2003 AND GAMBLING ACT 2005**

## **1. Interpretation**

- 1.1 These Procedures describe the way in which hearings will be conducted by the City of Westminster under the Licensing Act 2003, as set out in the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) [see SI 2005 No. 78] (hereafter referred to as the LA03 Hearings Regulations) and the Gambling Act 2005, as set out in the Gambling Act 2005 (Proceedings of Licensing Committees and Sub-Committees) (Premises Licences and Provisional Statements (England and Wales) Regulations 2007 [see SI 2007 No 173] (hereafter referred to as the GA05 Hearing Regulations).
- 1.2 In these procedures-
- “the 2003 Act” means the Licensing Act 2003;
  - “the 2005 Act” means the Gambling Act 2005;
  - “the Authority” means Westminster City Council as Licensing Authority
  - “applicant” means a person who makes an application under the 2003 or 2005 Acts;
  - “Chair” means a Member of the Licensing Committee appointed by that Committee to be the presiding Member of that Committee or Sub-Committee;
  - “Committee” means a licensing committee established under Section 6(1) of the Licensing Act 2003;
  - “hearing” means the hearing referred to in column 1 of the table in Annex A and Annex D;
  - “interested party” means a party prescribed in Section 13(3) of the 2003 Act and Section 158 of the 2005 Act;
  - “notice of hearing” means a notice given to a party in accordance with Regulation 6(1) LA03 Hearing Regulations and Regulation 5 GA05 Hearing Regulations;
  - “party” means those to whom a notice of hearing is to be given in accordance with the 2003 and 2005 Acts Regulations;
  - “responsible authority” means an authority named or described within Section 13(4) of the 2003 Act and Section 157 of the 2005 Act, (as amended); such as police, fire authority, licensing authority etc.
  - “Sub-Committee” means a Licensing Sub-Committee established under Section 9(1) of the Licensing Act 2003.

## **2. Introduction**

- 2.1 These Procedures take into account the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 and the Gambling Act 2005 (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007. The Procedures also include the 2003 Act time limits within which a hearing must commence (see Annex A) and will be used by the Licensing Committee and Licensing Sub-Committee when conducting hearings.
- 2.2 The LA03 Hearings Regulations (Regulation 21) and GA05 Hearing Regulations (Regulation 3(2)) provide that a Licensing Authority shall, subject

to the provisions of those Regulations, determine for itself the procedure to be followed at a hearing.

- 2.3 These Procedures, therefore, set out the way in which the City of Westminster Licensing Sub-Committee Meetings will be conducted under the 2003 and 2005 Acts, following the requirements of the Hearings Regulations. Wherever appropriate have included the procedures followed successfully over a number of years in Westminster for conducting hearings to determine similar licences under previous legislation.
- 2.4 Proceedings will not be rendered void only as the result of failure to comply with any provision of the LA03 Hearings Regulations (Regulation 31) and GA05 Hearing Regulations (Regulation 16(1)).

### **3. Composition of Sub-Committee**

- 3.1 The Sub-Committee will, usually consist of three members appointed from members of the Authority's Licensing Committee by the Director of Legal and Administrative Services in accordance with his delegated powers. No business shall be transacted unless at least two members of the Sub-Committee are present and able to form a properly constituted Sub-Committee. In cases of equality of votes, the chairman shall have a second or casting vote. A Councillor for the ward in which the applicant's premises are situated, or where either the applicant or the objector resides, shall not normally sit to consider that item on the agenda.

### **4. Timescales**

- 4.1 Most hearings under the 2003 Act must take place within 20 working days from the last date in which representations can be made.

- 4.2 Exceptions under the 2003 Act:

Within 10 working days from the day after the day the Authority receives the notice for a review of the premises licence following a closure order.  
within 7 working days from the day after the end of the period within which the police can object to:

- a temporary event notice (note: the police must give notice of their objection within 48 hours of being given a copy of the notice); and
- within 5 working days beginning with the day after the end of the last date for the police to object to:
  - an interim authority notice (note: the police must give notice of their objection within 48 hours of being given a copy of the notice).

- 4.3 For applications made under the 2005 Act the Authority must commence a hearing as soon as reasonably practicable after the expiry of the statutory period where representations can be received.

- 4.4 These matters are more fully set out in LA03 Hearings Regulations (Regulation 5 and Schedule 1 to those Regulations (attached as Annex A)) and GA05 Hearing Regulations (Regulation 4(1)).

Note: Where a hearing will take more than one day the authority must arrange for the hearing to take place on consecutive days (Regulation 5 of the LA03 Hearing regulations and Regulation 4(2) of the GA05 Hearing Regulations).

- 4.5 Timescale for notice of hearings to be given  
In most cases, the Authority shall give notice of a hearing no later than 10 working days before the first day on which the hearing is to be held (Regulation 2 of the Amendment to Regulation 6 of the LA03 Hearing Regulations (SI 78 2005) and Regulation 5(c) of the GA05 Hearing Regulations) (SI 173 2007).

- 4.6 Exceptions under the 2003 Act:

- review of a premises licence following a closure order
- At least two days' notice must be given to the parties to a hearing for determination of:
- police objection to a interim authority notice
  - police objection to a temporary event notice

## **5. Persons who must be notified of a hearing**

- 5.1 The persons who must be notified of a hearing are set out below as a summary (See Schedule 2 of the LA03 Hearings Regulations attached as Annex B and Schedule 1 of the GA05 Hearing Regulations attached as Annex D):

- any applicant for any licence, provisional statement or review made under the provisions of the 2003 and 2005 Acts
- the premises user who submitted the temporary event notice under the 2003 Act.
- any person who has made relevant representations about an application for a licence or provisional statement or review (note, for any representations deemed frivolous, vexatious or repetitious under Section 18(7)(c), 31(6) & 51(4) of the 2003 Act or, any representation deemed frivolous, vexatious or will certainly not influence the authority's determination of the application under Sections 162(3) of the 2005 Act, the objector must be notified of the Authority's decision as soon as possible and in any event before any hearing).
- Any police officer who has given notice of objection under the 2003 Act to:
  - a person specified as a Designated Premises Supervisor
  - an interim authority
  - transfer of a premises licence
  - transfer of a club premises certificate
  - a temporary event notice
  - a personal licence
- Any holder of a premises licence or club premises certificate where:

- application is made for review

## **6. Information to be provided in a notice of hearing**

- 6.1 The information that must be included in a notice of hearing relating to an application or notice under the 2003 Act includes (Regulation 7 of the LA03 Hearing Regulations):
- The procedure to be followed at the hearing;
  - The right of the party to attend and to be assisted or represented by any person whether legally qualified or not;
  - The ability to give further information in support of their application where the Authority has sought clarification;
  - The right to question any other party – if given permission by the Authority;
  - The right to address the Authority; (see 4.1)
  - Notice of any particular on which the Authority will want clarification at the hearing;
  - The consequences if a party does not attend or is not represented at the hearing;
  - For certain hearings particular documents must accompany the notice which is sent to parties informing them of the hearing. Reference must be made to Schedule 3 of the Hearings Regulations for this purpose.  
(See also Schedule 3 attached as Annex C for documents that must accompany notice of a hearing)
- Note: Regulation 8 of the LA03 Hearing Regulations sets out the action to be taken following receipt of a notice (attached as Annex E).
- 6.2 The information and documentation that must accompany the notice of hearing relating to an application under the 2005 Act includes (Regulation 6 of the GA05 Hearing Regulations):
- the consequences where a party informs the Sub-Committee that they do not wish to attend or be represented at the hearing, or fails to inform the Sub-Committee whether they will attend or be represented at the hearing;
  - the requirements imposed on the Sub-Committee in conducting a hearing as set out in Regulations 8 and 9 of the GA05 Hearing Regulations;
  - the consequences where a party has indicated that they wish to attend or be represented at the hearing, but fail to attend or be represented at the hearing;
  - the procedure to be followed at the hearing;
  - the time limit and method by which a party should inform the Sub-Committee that they wish to attend or address the hearing or that they wish to be assisted or represented by another person;
  - the time limit and method by which a party should inform the Licensing Authority that they will want to call a witness to give evidence at the hearing, and the matters in relation to which they wish that witness to give evidence;
  - the time limit and method by which a party should inform the Sub-Committee that they wish to withdraw their representations;
  - the time limit and method by which a party should inform the Sub-Committee that they are willing to consent to the application being determined without a hearing;
  - the matters on which the Sub-Committee considers at the time that it will want clarification at the hearing from a party.

## **7. Failure of Parties to Attend the Hearing**

- 7.1 If a party has informed the Authority that will not be attending or be represented at the hearing it may proceed in their absence. (Regulations 20 of the LA03 and 10(1) of the GA05 Hearing Regulations)
- 7.2 If a party does not give notice that will not be attending but fails to attend and is not represented the Authority may either:
- (a) adjourn the hearing if it considers it to be necessary in the public interest or
  - (b) hold the hearing in the party's absence
- 7.3 If the Authority holds the hearing in the absence of a party, it will consider at the hearing the application, representation or notice given by the party.
- 7.4 If the Authority adjourns the hearing to a specified date it must forthwith (as soon as reasonably practicable under the GA05 regulations) notify the parties of the date, time and place to which the hearing has been adjourned.

## **8. Procedure at the Hearing**

- 8.1 The usual order of proceedings will be as set out in sub-paragraphs (i) to (v) below. The Sub-Committee will allow, at its discretion, the parties an equal maximum time period in which to give further information in support of their application, representation or response, where the Authority has given notice that it will seek clarification on that point at the hearing (or, where permission has been given to call any further persons, to give supporting evidence – see paragraph 8.4(b) below).
- 8.2 The Sub-Committee may allow the parties to question any other party (if permission is given – see paragraph 8.4(c) below) and, to address the relevant committee, but will seek in all cases to avoid repetition of matters (whether included in written material or otherwise), irrelevancy or any abuse of procedure.
- 8.3 At the beginning of the hearing the procedure that will be followed will be explained to the parties. The hearing will, so far as is possible, take the form of a discussion, led by the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers it necessary.
- (i) The Chair will begin by explaining how the proceedings will be conducted, and any time limits that will apply to the parties to the application.
  - (ii) Introduction by an Officer of the Licensing Service including a summary of the application.
  - (iii) The Sub-Committee will then consider any requests by a party for any other person to appear at the hearing. Such permission will not be

unreasonably withheld provided a proper notice has been given

(iv) A summary of the nature and extent of the application by the applicant or their representative. It should be brief, avoid repetition of material already made available to the Sub-Committee in the Officer's report or otherwise, and include any reasons why an exception should be made to the Council's 2003 Act Licensing Policy or 2005 Act Statement of Principles, where appropriate. That will be followed by the evidence of any person who has been given permission by the Sub-Committee to give supporting evidence on behalf of the applicant.

(v) A summary of the reasons for making representations about the application by any interested party. This should be brief and avoid any repetition of information already made available to the Sub-Committee either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Sub-Committee to give supporting evidence on behalf of the objectors.

(vi) A summary of the reasons for making representations by or on behalf of any responsible authority. This should be brief and avoid any repetition of information already made available to the Sub-Committee either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Sub-Committee to give supporting evidence on behalf of the responsible authority.

(vii) Members of the Sub-Committee may ask any questions of any party or other person appearing at the hearing.

8.4 The following requirements of the LA03 and GA05 Hearing Regulations will also be followed by the relevant committee:

(a) The Sub-Committee will be guided by legal principles in determining whether evidence is relevant and fairly admissible. In particular, hearsay evidence may be admitted before the Sub-Committee but consideration will always be given to the degree of weight, if any, to be attached to such evidence in all the relevant circumstances.

(b) The Sub-Committee may impose a time limit on the oral representations to be made by any party. In considering whether to do so, and in considering the length of any such time limit, the Sub-Committee will take into account the importance of ensuring that all parties receive a fair hearing, and the importance of ensuring that all applications are determined expeditiously and without undue delay.

(c) In considering the time limits referred to in (b) above, regard must be had to the requirement to allow each party an equal amount of time.

8.5 When considering any representations or notice made by a party, the Authority may take into account documentary or other information produced by a party in support of their application, representation or notice, either:

- (a) before the hearing (subject to Rule 8.6 below), or
  - (b) with the consent of all other parties, at the hearing (Regulations 18 of the LA03 and 9(4), (b), (i) & (ii) of the GA05 Hearing Regulations)
- 8.6 (a) All documentary or other information produced by a party in support of their application must be received by the Authority by noon on the third working day before the day of the hearing at which it is to be relied upon. Any information submitted after this date and time must include a covering note explaining why the information has been submitted late and why the information should be taken into account.
- (b) The Sub-Committee will consider any documentary or other information submitted late at its discretion. The Sub-Committee may decide to adjourn the hearing so as to allow Members and any other party time to consider the information and that may involve an adjournment to another date. The Sub-Committee may decide not to consider the information.
- 8.7 The Sub-Committee when determining an application or notice under the provisions of the 2003 Act will disregard any information given by a party, or any other person appearing at the hearing, which is not relevant to:
- (a) their application, representation or notice, or
  - (b) in the case of another person, the application representation or notice of the party requesting their appearance and
  - (c) the promotion of the licensing objectives, or
  - (d) in relation to a hearing to consider a notice given by the Police the crime prevention objective.
- (Regulation 19 of the LA03 Hearing Regulations)
- 8.8 A 2003 Act hearing shall take place in public save that:
- (a) The Sub-Committee may exclude the public from all or part of a hearing where it considers that, on balance; it is in the public interest to do so.
  - (b) The parties and any person representing them may be excluded in the same way as another member of the public
- 8.9 A 2005 Act hearing shall take place in public save that:
- (a) The Sub-Committee may direct that all or part of a hearing must be in private if it is satisfied that it is necessary in all circumstances of the case, having regard to
    - (aa) any unfairness to a party that is likely to result from a hearing in public; and
    - (bb) the need to protect as far as possible, the commercial or other legitimate interests of a party. (Regulation 8)
- 8.10 The Sub-Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:
- refuse to permit the person to return; or

- allow them to return only on such conditions as the Authority may specify.

- 8.11 Any person so excluded may, before the end of the hearing, submit to the Sub-Committee in writing, any information which, would have been entitled to give orally had not been required to leave and the Sub-Committee will take that information into account in reaching a determination of the application or review (Regulations 25 of the LA03 and 11(3), (a) (b) of the GA05 Hearing Regulations).
- 8.12 Where there are a number of items on the agenda, the adjournment of that item for a short period, whilst another item is heard, may allow the hearing to be carried out effectively.

## **9. Determination of Application – Time Limits**

- 9.1 For applications determined under the 2003 Act the Sub-Committee must make its determination at the conclusion of the hearing where the application is for:
- (a) A review of a premises licence following a closure order (2003 Act)
  - (b) A personal licence by the holder of a justices licence (2003 Act)
  - (c) A counter notice following police objection to a temporary event notice (2003 Act)
- 9.2 In any other case the Authority must make its determination within the period of five working days, beginning with the day, or the last day, on which the hearing was held.
- 9.3 Where a hearing has been dispensed with because all of the parties have agreed that a hearing is unnecessary (and the Authority has agreed, giving notice to the parties in writing) then the Authority must make its determination for 2003 Act applications, reviews and notices within 10 working days beginning with the day the authority gives such notices to the parties.

## **10. Record of Proceedings**

- 10.1 The Authority must arrange for a record to be taken of the hearing in a permanent and intelligible form and for that record to be kept for six years from the date of determination. Where an appeal is brought against a determination by the Authority, the record must be kept for six years from the date of disposal of the appeal.

## **11. Irregularities**

- 11.1 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations
- 11.2 Where the Authority considers that any person may have been prejudiced as the result of an irregularity relating to the Hearing Regulations, it will take such

steps, as it thinks fit to cure the irregularity, before reaching its determination. (Regulations 31 & 32 of the LA03 and Regulation 16 of the GA05 Hearing Regulations)

- 11.3 Clerical mistakes in any document recording a determination of the Authority, or errors arising in such a document as the result of an accidental slip or omission, may be corrected by the Authority. (Regulations 33 of the LA03 and 17 of the GA05 Hearing Regulations)

## **12. Notices**

- 12.1 Any notices under these Regulations will be given in writing. Such a notice may be sent electronically, providing:
- (a) it can be accessed by the recipient in a legible form;
  - (b) it is capable of being reproduced as a document for future reference;
  - (c) the recipient has agreed in advance to receive it in such form;
  - (d) a copy is sent in documentary form forthwith to the recipient.

## **13. Appeals**

- 13.1 Either those who have made an application or those who have made representations on an application may have the right to appeal the Authorities decision to the Magistrates Court (Section 181, Schedule 5 LA05 and Section 206 GA05).
- 13.2 An appeal must be commenced within twenty one days beginning with the day on which the appellant was notified by the Licensing Authority of their decision. Notice of Appeal must be given to City of Westminster Magistrates Court.
- 13.3 The address and contact details for Westminster Magistrates Court are;

Westminster Magistrates Court  
181 Marylebone Road  
London  
NW1 5BR  
DX 120551 Marylebone 9  
Telephone: 020 3126 3050  
Fax: 020 3126 3052  
Court opening times: 09:15 to 16:30 Monday to Friday

Please note that the information relating to Westminster Magistrates Court was correct when this document was produced. You should check the HM Courts website at [www.hmcourts-service.gov.uk](http://www.hmcourts-service.gov.uk) to ensure that the correct contact details are used.

# Annex A

## Licensing Act 2003 (Hearings) Regulations 2005

### SCHEDULE 1

### Regulation 5

	Column 1	Column 2
	<b>Provision under which hearing is held.</b>	<b>Period of time within which hearing must be commenced.</b>
1.	Section 18(3)(a) (determination of application for premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c).
2.	Section 31(3)(a) (determination of application for a provisional statement).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c).
3.	Section 35(3)(a) (determination of application to vary premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 17(5)(c) by virtue of section 34(5).
4.	Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 37(5).
5.	Section 44(5)(a) (determination of application for transfer premises licence).	20 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 42(6).
6.	Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days beginning with the day after the end of the period within which a chief officer of police may give notice under section 48(2).
7.	Section 52(2) (determination of application for review of premises licence).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 51(3)(c).
8.	Section 72(3)(a) (determination of application for club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c).
9.	Section 85(3) (determination of application to vary club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 71(6)(c) by virtue of section 84(4).
10.	Section 88(2) (determination of application for review of club premises certificate).	20 working days beginning with the day after the end of the period during which representations may be made as prescribed under section 87(3)(c).
11.	Section 105(2)(a) (counter notice following police objection to temporary event notice).	7 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under section 104(2).

12.	Section 120(7)(a) (determination of application for grant of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 120(5).
13.	Section 121(6)(a) determination of application for grant of personal licence)	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 121(3).
14.	Section 124(4)(a)(convictions coming to light after grant or renewal of personal licence).	20 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under section 124(3).
15.	Section 167(5)(a)(review of premises licence following closure order)	10 working days beginning with the day after the day the relevant licensing authority receives the notice given under section 165(4).
16.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days beginning with the day after the end of the period within which a chief officer of police may give a notice under paragraph 3(2) or (3) of Schedule 8.
17.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate)	10 working days beginning with the day after the end of the period within which a chief officer of police may give notice under paragraph 15(2) or (3) of Schedule 8.
18.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence).	10 working days beginning with the day after the end of the period within which the chief officer of police may give a notice under paragraph 25(2) of Schedule 8).

## Annex B

### Licensing Act 2003 (Hearings) Regulations 2005

#### SCHEDULE 2

#### Regulation 6

	Column 1	Column 2
	<b>Provision under which hearing is held.</b>	<b>Period of time within which hearing must be commenced.</b>
1.	Section 18(3)(a) (determination of application for premises licence).	(1) The person who has made the application under section 17(1); (2) Persons who have made relevant representations as defined in section 18(6).
2.	Section 31(3)(a)(determination of application for provisional statement).	(1) The person who has made the application under section 29(2).; (2) Persons who have made relevant representations as defined in section 31(5).
3.	Section 35(3)(a) (determination of application to vary premises licence).	(1) The holder of the premises licence who has made the application under section 34(1); (2) Persons who have made relevant representations as defined in section 35(5).
4.	Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	(1) The holder of the premises licence who has made the application under section 37(1); (2) Each chief officer of police who has given notice under section 37(5). (3) The proposed individual as referred to in section 37(1).
5.	Section 44(5)(a) (determination of application for transfer of premises licence).	(1) The person who has made the application under section 42(1); (2) Each chief officer of police who has given notice under section 42(1); (3) The holder of the premises licence in respect of which the application has been made or, if the application is one to which section 43(1) applies, the holder of that licence immediately before the application was made.
6.	Section 48(3)(a) (cancellation of interim authority notice following police objection).	(1) The person who has given notice under section 47(2); (2) Each chief officer of police who has given notice under section 48(2).
7.	Section 52(2) (determination of application for review of premises licence).	(1) The holder of the premises licence in respect of which the application has been made; (2) Persons who have made relevant representations as defined in section 52(7); (3) The person who has made the application under section 51(1).
8.	Section 72(3)a) (determination of application for club premises certificate).	(1) The club which has made the application under section 71(1);

		(2) Persons who have made relevant representations ad section 72(7).
9.	Section 85(3)(a) (determination of application to vary club premises certificate).	(1) The club which has made the application under section 84(1); (2) Persons who have made relevant representations as defined in section 85(5).
10.	Section 88(2) (determination of application for review of club premises certificate).	(1) The club which holds the club premises certificate in respect of which the application has been made; (2) Persons who have made relevant representations as defined in section 88(7); (3) The person who has made the application under section 87(1).
11.	Section 105(2)(a) (counter notice following police objection to temporary event notice).	(1) The premises users; (2) Each chief officer of police who has given notice under section 104(2).
12.	Section 120(7)(a) (determination of application for grant of personal licence).	(1) The person who has made the application under section 117(1); (2) The chief officer of police who has given notice under section 120(5).
13.	Section 121(6)(a) (determination of application for renewal of personal licence).	(1) The person who has made the application under section 117(1); (2) The chief officer of police who has given notice under section 121(3).
14.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	(1) The holder of the licence in respect of which the notice has been given; (2) The chief officer of police who has given notice under section 124(3).
15.	Section 167(5)(a) (review of premises licence following closure order)	(1) The holder of the premises licence in respect of which the review has been made; (2) Persons who have made relevant representations as defined in section 167(9).
16.	Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	(1) The person who has made the application under paragraph 2(2) of Schedule 8; (2) Each chief officer of police who has given notice under paragraph 3(2) or (3) of Schedule 8.
17.	Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	(1) The club which has made the application under paragraph 14(2) of Schedule 8; (2) Each chief officer of police who has given notice under paragraph 15(2) or (3) of Schedule 8.
18.	Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence)	(1) The person who has made the application under section 117 to which paragraph 23(1) of Schedule 8 applies; (2) The chief officer of police who has given notice under paragraph 25(2) of Schedule 8.

# Annex C

## Licensing Act 2003 (Hearings) Regulations 2005

### SCHEDULE 3

### Regulation 7

	Column 1	Column 2	Column 3
	<b>Provision under which hearing is held.</b>	<b>Person to whom notice of hearing is given</b>	<b>Documents to accompany notice of hearing</b>
1.	Section 18(3)(a) (determination of application for premises licences).	The person who has made the application under section 17(1).	The relevant representations as defined in section 18(6) which have been made.
2.	Section 31(3)(a) (determination of application to vary premises licence).	The person who has made the application under section 29(2).	The relevant representations as defined in section 31(5) which have been made.
3.	Section 35(3)(a) (determination of application to vary premises licence).	The holder of the premises licence who has made the application under section 34(1).	The relevant representations as defined in section 35(5) which have been made.
4.	Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	(1) The holder of the premises licence who has made the application under section 37(1); (2) The proposed individual as referred to in section 37(1).	The notices which have been given under section 37(6).
5.	Section 44(5)(a) (determination of application for transfer of premises licence).	(1) The person who has made the application under section 42(1); (2) The holder of the premises licence in respect of which the application has been made or, if the application is one to which section 43(1) applies, the holder of that licence immediately before the application was made.	The notices which have been given under section 42(6).
6.	Section 48(3)(a) (cancellation of interim authority notice following police objection).	The person who has given notice under section 47(2).	The notices which have been given under section 48(2).
7.	Section 52(2) (determination of application for review of premises licence).	The holder of the premises licence in respect of which the application has been made.	The relevant representations as defined in section 52(7) which have been made.
8.	Section 72(3)(a) (determination of application to vary club premises certificate).	The club which has made the application under section 71(1).	The relevant representations as defined in section 72(7) which have been made.
9.	Section 85(3)(a) (determination of application to vary club premises certificate).	The club which has made the application under section 84(1).	The relevant representations as defined in section 85(5) which have been made.

10.	Section 88(2) (determination of application for review of club premises certificate).	The club which holds the club premises certificate in respect of which the application has been made.	The relevant representations as defined in section 88(7) which have been made.
11.	Section 120(7)(a) (determination of application for grant of personal licence)	The person who has made the application under section 117(1).	The notice which has been given under section 120(5)
12.	Section 121(6)(a) (determination of application for renewal of personal licence).	The person who has made the application under section 117(1).	The notice which has been given under section 121(3).
13.	Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	The holder of the licence in respect of which the notice has been given.	The notice which has been given under section 124(3).
14.	Section 167(5)(a) (review of premises licence following closure order).	The holder of the premises licence in respect of which the review has been made.	The relevant representations as defined in section 167(9) which have been made.

## Annex D

### Gambling Act 2005 (Proceedings of Licensing Committees and Sub-Committees) (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007

#### SCHEDULE 1

#### Regulation 4(1), 5(1), 6(2)

Column 1	Column 2	Column 3
<b>Procedure in relation to which a hearing is required to be held</b>	<b>Persons to whom notice must be given</b>	<b>Copies of documents to accompany the notice of hearing</b>
Application for a premises licence under section 159	(1) The applicant  (2) Any person who has made (and not withdrawn) representations about the application	Representations made in relation to the application (unless the relevant committee considers that the representations are vexatious, frivolous or will certainly not influence the determination of the application)
Application to vary a premises licence under section 187	(1) The applicant  (2) Any person who has made (and not withdrawn) representations about the application	Representations made in relation to the application (unless the relevant committee considers that the representations are vexatious, frivolous or will certainly not influence the determination of the application)
Application for a premises licence to be transferred under sections 188 and 189	(1) The applicant  (2) Any person who has made (and not withdrawn) representations about the application  (3) The licensee	Representations made in relation to the application (unless the relevant committee considers that the representations are vexatious, frivolous or will certainly not influence the determination of the application)
Application for a licence to be reinstated under sections 195 and 196	(1) The applicant  (2) Any person who has made (and not withdrawn) representations about the application	Representations made in relation to the application (unless the relevant committee considers that the representations are vexatious, frivolous or will certainly not influence the determination of the application)
Application for a provisional statement under section 204	(1) The applicant  (2) Any person who has made (and not withdrawn) representations about the application	Representations in relation to the application (unless the relevant committee considers that the representations are vexatious, frivolous or will certainly not influence the determination of the application)
Review of a premises licence under section 201	(1) The applicant  (2) Any person who has made (and not withdrawn) representations about the review  (3) The licensee	Representations made in relation to the review (unless the relevant committee considers that the representations are vexatious, frivolous or will certainly not influence the determination of the review)

# Annex E

## Licensing Act 2003 (Hearings) Regulations 2005

### Regulation 8

<b>Action Following receipt of notice of hearing</b>	
1.	A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating:
(a).	whether they intend to attend or be represented at the hearing;
(b).	whether they consider a hearing to be unnecessary.
2.	In a case where a party wishes any other person (other than the person he intends to represent them at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
3.	In the case of a hearing under:
(a).	section 48(3)(a) (cancellation of interim authority notice following police objection), or
(b).	section 105(2)(a) (counter notice following police objection to temporary event notice),
	the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.
4.	In the case of a hearing under:
(a).	section 167(5)(a) (review of premises licence following closure order),
(b).	paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence),
(c).	paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or
(d).	paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),
	the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.
5.	In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.