



---

## Report of the Assistant Chief Executive (Corporate Governance)

### Full Council

Date: 14<sup>th</sup> July 2010

Subject: Recommendations from General Purposes Committee

---

#### Electoral wards affected:

Ward Members consulted  
(referred to in report)

#### Specific implications for:

Equality and Diversity

Community Cohesion

Narrowing the gap

---

### Executive Summary

1. This report sets out recommendations to full Council from the General Purposes Committee at its meeting on 28<sup>th</sup> June 2010 relating to amendments to the Constitution.
2. The General Purposes Committee made recommendations in relation to the Council's licensing arrangements, and training for Members of the Standards Committee.
3. Full Council are asked to consider the recommendations made by the General Purposes Committee, as set out in paragraph 7 of this report, and make amendments to Article 8, the Licensing Committee's Terms of Reference, the Council Procedure Rules and Article 9 of the Constitution.

## **1.0 Purpose of this report**

1.1 This report presents recommendations to Council from the General Purposes Committee for amendments to the Constitution.

## **2.0 Background information**

2.1 The General Purposes Committee is authorised to consider proposals to amend the Constitution and make recommendations to Full Council. At its meeting on 28<sup>th</sup> June 2010, the General Purposes Committee considered a number of items proposed and amendments to the Constitution as follows:

- Licensing arrangements; and
- Training for Members of the Standards Committee.

2.2 The report sets out recommendations from General Purposes Committee following consideration of those items.

## **3.0 Main issues**

### Licensing arrangements

3.1 The General Purposes Committee considered a report of the Assistant Chief Executive (Corporate Governance) proposing changes to the Council's licensing arrangements.

3.2 The General Purposes Committee recommended that references to the Licensing and Regulatory Panel be removed from the Constitution.

3.3 The General Purposes Committee recommended that the following functions listed below should be agreed as functions which relate to the statutory licensing functions of the Licensing Committee and can, therefore, be carried out by the Licensing Committee under Section 7(3) of the Licensing Act 2003.

- Sex Establishment Licensing (Lap dancing, sex cinemas and sex shops).
- Hackney Carriage and Private Hire Licensing.
- Licensing of Hypnotism.
- Licensing of charitable collections.

3.4 Delegating the functions in this way means that the Licensing Committee will always operate as a committee outside of the normal Local Government structure and will always operate to the Licensing Procedure Rules rather than to the rules in the Local Government Act 1972 that govern all other council committees.

3.5 The General Purposes Committee recommended that Council should arrange for those matters set out in paragraph 3.3 above to be referred to the Licensing Committee under Section 7(3) of the Licensing Act 2003 and for the Licensing Committee to discharge those functions on behalf of the authority with effect from 20<sup>th</sup> July 2010.

- 3.6 The General Purposes Committee recommended that Council approve the revised terms of reference for the Licensing Committee shown at **Appendix 1** to implement the decisions in paragraphs 3.3, 3.4 and 3.5 above.
- 3.7 The General Purposes Committee recommended that a revised Article 8 be drafted to reflect the new arrangements and this is shown at **Appendix 2** for approval by full Council.
- 3.8 The General Purposes Committee recommended that amendments be made to the Council Procedure Rules to reflect the fact that there will be no substitution permitted between the Plans Panels and the Licensing Committee. Paragraph 26.1 (a) and 26.1 (c) of the Council Procedure Rules require changing the references to Regulatory Panel to state Plans Panel.
- 3.9 The remaining functions of the Licensing and Regulatory Panel that have not been transferred to Licensing Committee as they are not related to the councils licensing functions, are generally carried out by officers under the delegation schemes and have not come to Members for a decision for at least 6 years. However the General Purposes Committee would be able to consider any of these functions under their terms of reference, should there be a need for Member involvement in a decision.
- 3.10 It is proposed that these changes take place with effect from 20<sup>th</sup> July 2010 which is the date of the next scheduled meeting of Licensing Committee. This would ensure that there is no gap between Licensing Committee being delegated these functions by Council and Licensing Committee sub delegating relevant functions to the Licensing Sub-Committee and officers.

#### Training for Members of the Standards Committee

- 3.11 The General Purposes Committee considered a report from the Assistant Chief Executive (Corporate Governance) proposing an amendment to Article 9 of the Constitution in order to make certain training compulsory for Standards Committee Members.
- 3.12 This proposal was first made by the Corporate Governance and Audit Committee on 30<sup>th</sup> June 2009 after consideration of the Standards Committee's Annual Report, and has since been endorsed by Member Management Committee and Standards Committee.
- 3.13 It is proposed that the following four learning targets within the Standards Committee Training Plan are made compulsory:
- To ensure all independent members of the Committee have the necessary skills to chair meetings of the Committee (in order to Chair the Standards Committee or any of its Sub-Committees).
  - To ensure all members of the Committee have an understanding of the Code of Conduct (in order to sit on any Sub-Committee).
  - To ensure all members of the Committee have the necessary skills to assess or review local complaints (in order to sit on the Assessment and Review Sub-Committee).
  - To ensure all members of the Committee have the necessary skills to conduct a local hearing (in order to sit on the Hearings Sub-Committee).

- 3.14 General Purposes Committee recommend that paragraph 9.3.7 of Article 9 of the Constitution be amended in order to make the above training compulsory. An amended version of Article 9 is shown at **Appendix 3** for approval by full Council.
- 3.15 The wording of paragraph 9.3.7, taken together with the wording within the Standards Committee's Training Programme, will place a requirement on all the Members of the Committee to complete the relevant training prior to undertaking the functions of the Standards Committee (or its Sub-Committees).
- 3.16 The Monitoring Officer will ensure that any gaps in an Elected Member's training are brought to the attention of the Member concerned and where necessary that Member's Leader and Whip. Further, for Parish Members and Independent Members of the Committee, the Monitoring Officer will bring any training gaps to the attention of the relevant Executive Member.

#### **4.0 Implications for Council Policy and Governance**

- 4.1 Merging the functions that are considered to be related to the Council's statutory licensing functions into the Licensing Committee, would enable Members to take a more strategic approach to licensing the evening economy. It will also permit the smoother, more efficient and transparent administration of the licensing functions of the Council.
- 4.2 The training of Standards Committee Members will promote consistency of decision making through the assessment, review, consideration and hearing processes, and minimise the risk of successful challenge through the relevant appeals process. This will in turn promote public confidence in the complaints process and reassure Members that complaints against them will be dealt with fairly.

#### **5.0 Legal and Resource Implications**

- 5.1 Delegating the functions listed in paragraph 3.3 to Licensing Committee under section 7 (3) of the Licensing Act 2003 mean that the Licensing Committee will always operate as a committee outside the normal local government structure and will always operate to the Licensing Procedure Rules, therefore minimising the risk of error in decision-making.
- 5.3 There will be no increased resource implications as a result of the changes proposed above. Subject to the recommendations of the Independent Remuneration Panel the proposals may produce a saving in special responsibility allowances.

#### **6.0 Conclusions**

- 6.1 That full Council should consider the recommendations.

#### **7.0 Recommendations**

- 7.1 General Purposes Committee recommend to Council to:
- 7.1.1 Agree that the functions listed in paragraph 3.3 of this report, namely sex establishment licensing, hackney carriage and private hire licensing, the licensing of hypnotism and charitable collections should be agreed as functions which relate to the licensing functions of the Licensing Committee.

- 7.1.2 Arrange for those matters to be referred to the Licensing Committee and for the Licensing Committee to discharge those functions on behalf of the authority with effect from 20<sup>th</sup> July 2010.
- 7.1.3 Approve the revised Terms of Reference for the Licensing Committee shown at **Appendix 1** to implement the decisions in paragraph 7.1.1 and 7.1.2 above.
- 7.1.4 Agree that references to the Licensing and Regulatory Panel be removed from the Constitution.
- 7.1.5 Approve the revised Article 8 shown at **Appendix 2**.
- 7.1.6 Approve the amendment to the Council Procedure Rules set out in paragraph 3.8 above, namely that paragraph 26.1 (a) and 26.1 (c) of the Council Procedure Rules require changing the references to Regulatory Panel to state Plans Panel.
- 7.1.7 Approve the amended Article 9 shown as **Appendix 3** to make certain training compulsory for Members of the Standards Committee.

#### Background Documents

- Licensing Committee Terms of Reference
- S101 of the Local Government Act 1972
- Licensing Act 2003
- Gambling Act 2005
- Minutes of Corporate Governance and Audit Committee, 30<sup>th</sup> June 2009
- Report to Member Management Committee, 13<sup>th</sup> October 2009
- Minutes of Member Management Committee, 13<sup>th</sup> October 2009
- Report to Member Management Committee, 16<sup>th</sup> December 2009
- Minutes of the Standards Committee, 16<sup>th</sup> December 2009
- Report to Standards Committee, 17<sup>th</sup> February 2010
- Minutes of Standards Committee, 17<sup>th</sup> February 2010
- Report to Standards Committee, 22<sup>nd</sup> April 2010
- Minutes of Standards Committee, 22<sup>nd</sup> April 2010
- Local Government Act 2000
- Standards Committee (England) Regulations 2008
- Article 9 of the Constitution
- Minutes of General Purposes Committee, 28<sup>th</sup> June 2010