

**Item 5 (a) –  
Licensing Committee and Governance Committee  
- Recommendation to Council**

**Recommendation to Council:** that the amendments to Part 8 and Part 13 of the Council’s Constitution attached as Appendices A and B to the report, be approved.

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The attached report was considered by the Licensing Committee and the Governance Committee, relevant minute extracts are below:

Licensing Committee – 16 October 2013 (Minute 12)

Members noted the further amendments made to Part 8 and 13 of the Constitution as circulated in the supplementary agenda, in light of scrap metal dealers licensing being an Executive function and being removed.

It was further noted that an amendment was required to Part 8, paragraphs 2.1 and 3.1, as the Licensing Committee had at its meeting on 25 July 2013 established ‘four’ Licensing Hearing Sub-Committees.

Resolved: That it be recommended to Council that the amendments to Part 8 and Part 13 of the Council’s Constitution attached as Appendices A and B to the supplementary agenda, including the above amendment to Part 8, paragraphs 2.1 and 3.1, be approved.

(Note the amendments were made before submission to Governance Committee)

Governance Committee – 5 November 2013 (Minute 21)

The Committee considered a report setting out proposed amendments to Part 8 and Part 13 of the Council’s Constitution relating to the Licensing Function. It was necessary to update the constitution to reflect changes that had been made to legislation and new legislation that had been implemented.

In Part 8 – Licensing Committee, the Committee’s Terms of Reference had been amended to reflect new legislation in the Police Reform and Social Responsibility Act 2011 – to enable the Local Authority to set a Late Night Levy or an Early Morning Restriction Order should they wish. It was also being suggested that the Licensing Committee should delegate powers to the Licensing Sub-Committees for the determination of an application for Sexual Establishment licences. The report also proposed a minor amendment to the Terms of Reference for the Licensing Sub-Committee to enable some reports concerning the licensing of hackney carriages and private hire vehicles to be referred to a Licensing Sub-Committee at the discretion of Officers.

The proposed changes to Part 13 – Officer Responsibilities and Delegations, clarify that the delegations to Officers to determine applications under the Licensing Act 2003 and Gambling Act 2005, exist only when no relevant representations have been received. Licensing Officers would be able to make representations on Licensing Act 2003 applications and call for a review of a licence.

A Member expressed concern that the quorum for Licensing Hearings was only two Members as problems could arise if the two Members did not agree. Officers explained that it was very rare that a situation arose where there were only two Members at a hearing as a Member was kept on standby to attend at late notice and Members were substituted if necessary. The Committee suggested that it would be helpful to have some wording in the Constitution to formalise these arrangements.

Resolved: That Full Council be recommended to approve the amendments to Part 8 and Part 13 of the Council's constitution attached at Appendix A and Appendix B of the report.