

Report for: Regulatory Committee 24 May 2018

Title: Establishment of Planning and Licensing Sub-Committees 2018/19

Report

authorised by : Bernie Ryan, Assistant Director of Corporate Governance & Monitoring Officer

Lead Officer: Michael Kay, Democratic Services Manager

Ward(s) affected: All

1. Describe the issue under consideration

1.1 To establish for the 2018/19 Municipal Year a) Planning Sub-Committee to conduct town planning and miscellaneous functions and b) two Licensing Sub-Committees to conduct both the statutory and non-statutory licensing functions of the Council as set out in Part Three, Section B of the Council's Constitution which is attached as Appendix 3 to this report. Members are also asked to note the provisions for the appointment of substitutes.

2. Cabinet Member Introduction

Not applicable.

3. Recommendations

3.1 To note the terms of reference of the Regulatory Committee as set out within the Council's Constitution attached as Appendix 1 and confirm the terms of reference of the Planning and Licensing Sub-Committees attached as Appendix 3 to this report.

3.2 That Members agree the establishment of a Planning Sub-Committee and two Licensing Sub-Committees with the memberships set out in Appendix 2 to this report.

3.3 That Members note the provisions in the Committee Procedure Rules, Part 4, Section B of the Constitution covering substitution arrangements for Committees and Sub-Committees. Additional delegations are made to the Democratic Services Manager (Part 3, Section E paragraph 1.5 of the Constitution), attached at Appendix 4ii to this report, for the appointment of a substitute Member for a Licensing Sub-Committee from among the Members of the Regulatory Committee when the permanent Sub-Committee Member is unable to attend for any reason.

3.4 To note that the Council Procedure Rules in Part 4 Section B of the Constitution do not apply to licensing hearings only in those areas where they conflict with the Local Licensing Procedure Rules and the relevant Acts and Regulations which take precedence.

4. Reasons for decision

4.1 To support the discharge of planning and licensing functions as set out within Part Three, Section B of the Council's constitution (Appendix 3).

5. Alternative options considered

Not applicable.

6. Background information

Regulatory Committee

- 6.1 The Full Council appoints the membership of the Regulatory Committee including its Chair and Vice-Chair. By law there must be at least 10 but no more than 15 appointed Members.
- 6.2 The Council can determine the terms of reference of the Committee. These are currently set out in Part 3 Section B of the Council's Constitution and attached as Appendix 1 to this report. Members are invited to note the Committee's terms of reference.

Establishing the Licensing Sub-Committees

- 6.3 The Regulatory Committee may establish Licensing Sub-Committees to conduct hearings. Although the membership for these has been reported to Annual Council, legally it is the Regulatory Committee that fixes these Sub-Committees' membership and confirms their terms of reference. The suggested membership of the two Licensing Sub-Committees, as reported to Annual Council, is set out in Appendix 2 to this report (to follow).
- 6.4 In the last Municipal Year there were two Licensing Sub-Committees to deal with contested applications. It is anticipated that the volume of applications will continue for the foreseeable future. It is recommended that two Licensing Sub-Committees be appointed and this should be sufficient. The appointed membership of the Sub-Committees is fixed by law at 3 Members. The Council's own Local Licensing Procedure Rules set the quorum for hearings at 3 Members since this promotes better decision-making.
- 6.5 On occasion, an appointed Member of a Licensing Sub-Committee cannot take part in the decision on a particular case, for example, due to a conflict of interest or if the premises in question is located in the Member's own Ward. In such cases, and any other case where a Member is unexpectedly absent or seriously late, it will be necessary to appoint a substitute Member often at short notice. Any such substitution will be made in accordance with the provisions of Part 4, Section B, of the Constitution. Substitute Members would always be trained Members of the Regulatory Committee who were able to make themselves available.
- 6.6 Members of the Committee are asked to note the terms of reference of the Licensing Sub-Committees. These are set out in Part 3, Section B of the Constitution and attached as Appendix 3 to this report. Reports on matters of general concern and decisions on general procedural issues will come to the Regulatory Committee.
- 6.7 While there is no requirement in law for the statutory licensing committee (or its sub-committees) to reflect political balance, historically this has been done as a matter of good governance.

Establishing the Planning Sub-Committee

- 6.8 The Regulatory Committee may establish a Planning Sub-Committee to exercise town planning and miscellaneous functions and fix its membership and confirm its terms of reference as set out in appendix 3. In line with the last Municipal Year, it is recommended that one Planning Sub-Committee be established.
- 6.9 The membership of the Planning Sub-Committee must be constituted in accordance with the provisions of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 in terms of political balance. The proportionality split is as follows: Labour Councillors (42 Members) now constitute 73.7% of the available seats on the Council and Liberal Democrats Councillors (15 Members) occupy 26.3%. Where practicable, the allocation of seats on Committees should be in line with the proportion of seats on the Council held by the political groups. The rule about proportionate allocation of seats on bodies overall takes precedence over the rule about proportionate allocation on any individual body. The membership of the Planning Sub-Committee is set out in Appendix 2 to this report.
- 6.10 The quorum for Planning Sub Committee meetings shall be in line with Part four section B of the Constitution in that no business shall be transacted unless a quarter of the whole number of voting Members are present.

7. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

The Chief Finance Officer confirms that there are no financial implications arising from the recommendations in this report.

Comments of Assistant Director of Corporate Governance

The Assistant Director of Corporate Governance has been consulted and approves the content of this report.

Equalities and Community Cohesion Comments

The Council has a public sector equality duty under S149 of the Equality Act 2010 to have due regard to need to:

- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- advance equality of opportunity between people who share those protected characteristics and people who do not;
- foster good relations between people who those characteristics and people who do not.

An initial screening of the proposals in this report has been completed and the proposals carry no implications for any aspect of the duty outlined above.

8. Use of Appendices

- 8.1 Appendix 1 - terms of reference of the Regulatory Committee
- 8.2 Appendix 2 - proposed membership of the Planning Sub Committee and two Licensing Sub-Committees (to follow)
- 8.3 Appendix 3 - terms of reference of the Planning and Licensing Sub- Committees
- 8.4 Appendix 4 - extracts from the Committee Procedure Rules and Scheme of Delegation to officers in respect of substitution arrangements.

9. Local Government (Access to Information) Act 1985

- 9.1 The following background papers were used in the preparation of this report:

(i) The Council's Constitution and (ii) Local Licensing Procedure rules.