

General Purposes Committee on 29 June 2006

Report Title: **Amendments to the Constitution relating to Licensing**

Report of: **The Head of Legal Services and Monitoring Officer**

Wards affected: All

Report for: Recommendation to Council

1. Purpose

1.1 To consider amendments to the Constitution already approved by the Licensing Committee on 6 June and to recommend them to full Council for adoption

2. Recommendations

2.1 That Members recommend to full Council the adoption of the changes to the Scheme of Delegation to Officers, set out in Appendix 1 to this report, to have effect as amendments to Part F.7 of the Council's Constitution

2.2 That Members recommend to full Council the adoption of the changes to the Council's Licensing Procedure Rules, set out in Appendix 2 to this report, to have effect as amendments to Part C.9 of the Council's Constitution

Report authorised by:

Davina Fiore
Head of Legal Services and Monitoring Officer

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3.1 Executive Summary and Reasons for Change

This report sets out the decisions of the Licensing Committee on 6 June when

Members approved (i) the continued delegation of power to the Head of Member Services, in consultation with the Chair of the Licensing Committee, to appoint substitute Members of the Licensing Sub-Committee for individual meetings and (ii) the addition of new Licensing Procedure Rules to provide for late evening time limits for hearings. The General Purposes Committee is asked to agree these changes and to recommend them to full Council for adoption as amendments to the Constitution.

4. Access to information:

Local Government (Access to Information) Act 1985

The following background papers were used in the preparation of this report and can be inspected at the Alexandra House, 10 Station Road, Wood Green, London N22 7TR by contacting Terence Mitchison on 020 8489 5936:

The Council's Constitution.

5. Report

- 5.1 On 6 June the Licensing Committee agreed the establishment of three Licensing Sub-Committees to hear contested cases under the Licensing Act 2003. By law these Sub-Committee must have three Members each.
- 5.2 If any of the appointed permanent Members of a Sub-Committee were to be unexpectedly absent or seriously late, it would be necessary to appoint a substitute Member probably at very short notice. On occasions a permanent member of a Sub-Committee cannot take part in a particular hearing because of a conflict of interest that may come to light only at the hearing.
- 5.3 The Members appointed as substitutes would be trained Members of the parent Licensing Committee who were able to make themselves available at short notice. Legally, the power to appoint substitutes cannot be given to the Chair as a single non-executive Member cannot make such decisions. The power to appoint would, however, be exercised in consultation with the Chair.
- 5.4 The delegated power is set out in Appendix 1 to this report at page 4 of that Appendix. It would be inserted into the existing powers of the Head of Member Services in section 9 of Part F.7 of the Council's Constitution.
- 5.5 The Licensing Committee also agreed to amend the Local Licensing Procedure Rules that govern the holding of hearings by the Licensing Sub-Committees in order to make provision for late evening time limits.
- 5.6 At 9.30 p.m. the Chair of the Sub-Committee would have to assess progress with the outstanding business. If there was a good prospect of completing the hearing in hand by or shortly after 10.00 p.m. then the Sub-Committee would agree to waive the normal rules to permit the hearing to be concluded that evening. If there was

obviously too much business to complete that evening then the case in hand and/or other business on the agenda would be adjourned until another date to be fixed.

5.7 The amendments needed to give effect to this are set out as paragraphs 63 and 64 on page 11 in the Local Licensing Procedure Rules attached as Appendix 2 to this report. Members of the General Purposes Committee should note that the Licensing Committee must determine its own Procedure Rules but the formal process of incorporating any changes within the Constitution requires the agreement of full Council.

6. Recommendations

6.1 That Members recommend to full Council the adoption of the changes to the Scheme of Delegation to Officers, set out in Appendix 1 to this report, to have effect as amendments to Part F.7 of the Council's Constitution.

6.2 That Members recommend to full Council the adoption of the changes to the Council's Licensing Procedure Rules, set out in Appendix 2 to this report, to have effect as amendments to Part C.9 of the Council's Constitution.

7. Equalities Implications

7.1 There are no specific equalities implications

8. Comments of the Director of Finance

8.1 There are no specific financial implications

9. Comments of the Head of Legal Services

9.1 The legal implications are set out in the main part of the report.

10. Use of Appendices

10.1 Appendix 1 to this report is Section 9 of Part F.7 of the Constitution showing the recommended delegation to the Head of Member Services on page 4.

10.2 Appendix 2 to this report is Part C.9 of the Constitution showing the recommended additional paragraphs 63 and 64 about late evening time limits.