

CONSTITUTION AND GOVERNANCE COMMITTEE

Minutes of a Meeting of the Constitution and Governance Committee held in the Luttrell Room - County Hall, Taunton, on Thursday 15 December 2022 at 2.00 pm

Present: Cllr T Butt Philip (Chair), Cllr S Carswell (Vice-Chair), Cllr B Clarke, Cllr H Davies, Cllr H Kay, Cllr M Lovell, Cllr M Murphy, Cllr S Osborne, Cllr R Wilkins and Cllr S Ashton

Other Members present via Teams: Cllr D Johnson, Cllr L Leyshon, Cllr L Redman, Cllr G Slocombe and Cllr R Woods

Apologies for absence: Cllr C Lawrence and Cllr S Pugsley

1 **Apologies for Absence** - Agenda Item 1

Apologies were received from Cllr C Lawrence, who was substituted by Cllr S Ashton, Cllr S Pugsley, who was substituted by Cllr G Slocombe and Cllr D Johnson, who would join the meeting via Teams.

2 **Declarations of Interest** - Agenda Item 2

Cllr S Carswell declared a personal interest on agenda item 5, as he was a holder of a gambling licence.

3 **Minutes from the Previous Meeting held on 21 November 2022** - Agenda Item 3

The minutes of the meeting held on 21 November 2022 were approved and signed as a correct record.

4 **Public Question Time** - Agenda Item 4

There were no questions asked, statements made or petitions presented.

5 **LGR - Constitution Documents for proposed new Licensing function** - Agenda Item 5

The Committee considered a report from the Principal Lawyer and Practice Manager from Mendip District Council, Lesley Dolan, concerning the proposed functions for the new Licensing and Regulatory Committee to be adopted in the Constitution for the New Unitary Council.

During the debate, the following points were highlighted: -

- Councillors queried several aspects of the procedures used for the Licensing and regulatory Sub-Committees.

The Licensing Officer advised that there would be a checklist for councillors to use during a sub-committee. He further explained that the licensing officer and interested parties presented their case first and that the applicant went last, so that they could include in their presentation answers to any comments or questions raised by other parties.

Councillors had the opportunity to ask questions after each person had presented their case.

- Councillors queried the calculation for the quorum of the committee.
The Monitoring Officer advised that quorum calculations were governed by statute.
- Councillors queried the proposed delegation used for gambling applications.
The Licensing Officer advised that the delegation was governed by legislation.
- Councillors queried when the applicant would be notified of the hearing date.
The Licensing Officer advised that the applicant received a notice of hearing once the date had been confirmed, plus a copy of the agenda once it was published five clear working days before the meeting.
- Councillors queried the difference between the Licensing Sub-Committee and the Regulatory Sub-Committee.
The Licensing Officer advised that the Licensing Sub-Committee would be for applications under the Licensing Act 2003 and Gambling Act 2005, and that the Regulatory Sub-Committee would be for taxi licences and all other applications.
- Councillors queried why the sub-committees were being scheduled into the calendar and not just held ad-hoc.
The Legal Officer advised that they believed it was best practice to schedule them in.
- Councillors debated the location for the sub-committees, as some believed they should be held in the locale of the application and others believed it should be held in a central location.
- Councillors who had experience in licensing hearings agreed that the procedure proposed within the papers worked well.
- Councillors stressed that training would be vital for anybody who wished to sit on the Licensing Committee, along with any substitutes.

The Committee AGREED:-

2.1 The proposals detailed in this report, offer a structure that would bring the County and District licensing functions together in a single Committee format.

The Constitution and Governance Committee was asked to –

(1) Approve the proposals set out in paragraphs 2.2 to 2.8 below, in relation to revision of the Council's Constitution.

2.2 It was proposed that a new Regulatory Committee be established to be known as the Licensing and Regulatory Committee for the discharge of the Council's licensing, certification and registration functions to include matters presently set out in paragraphs (d)-(m) of the terms of reference of the County Council's Regulation Committee.

2.3 It is proposed that the new Licensing and Regulatory Committee would establish a standing Sub-Committee to be known as the Regulatory Sub-Committee, to consider and determine applications and/or matters that by law or in accordance with the Council's adopted Policies or this Constitution required a hearing to be conducted.

2.4 It was proposed that the new Licensing and Regulatory Committee would establish a standing Sub-Committee to be known as the Licensing Sub-

Committee, to consider and determine any applications and or/ matters that by law or in accordance with the Council's adopted Licensing Policy and Gambling Statement of Principles or this Constitution required a hearing to be conducted.

- 2.5 A structure chart of the proposed new committees could be seen at Appendix 1 to this report.
- 2.6 Proposed Terms of Reference for the new Committee and its two Sub-Committees were set out at Appendix 2 to this report.
- 2.7 The proposed Scheme of Delegation for the licensing functions was set out at Appendix 3 to this report.
- 2.8 Attached at Appendix 4 was the proposed Hearing Procedure Rules for hearings conducted before the Licensing Sub-Committee. Whilst written for the Licensing Sub-Committee, they could be easily adapted for any licensing hearing. Following current common practice it was proposed to extract the Rules relating to "At Hearing" into a "tick box" list for the Chair to enable an easy single glance to ascertain where the procedure was at any stage of the hearing.

6 Pension Fund Governance - Agenda Item 6

The Committee considered a report from the Service Manager for Investments, Anton Sweet, concerning the Terms of Reference of the new Somerset Council's Pensions Fund Committee and the Pension Fund Board to be adopted by the new Unitary Council.

During the debate, the following points were highlighted: -

- Councillors stated that they believed that the Pensions Committee members had been ambivalent about changing the membership numbers.
- Councillors queried whether there had been any issues with being quorate in the past.
The Pensions Manager advised that there had been some issues recently, which had led to the proposed change in membership size and composition.
- Councillors queried the proposal that the Pensions Board Chair could be an ad-hoc position.
The Pensions Manager advised that the Chair was appointed by the Board and not by Full Council, the proposal was for only when the Chair was not present and to enable the Board to be quorate.

The Committee AGREED:-

- 2.1 The Committee was asked to review the Terms of Reference of the new Somerset Council's Pensions Fund Committee (attached as appendix A) and the Pension Fund Board (attached as appendix B) and recommend that they were adopted by the new Unitary Council, without amendment.

7 Work Programme - Agenda Item 7

This was a standing agenda item for the Committee so that it could review and set its forward plan of work to support the delivery of the Council's priorities.

The Committee considered the work programme of future work and items to be considered at future meetings and the Monitoring Officer advised that the following changes needed to be made:

- Due to the workload for the next two meetings, it was proposed that the meeting start times would be amended to 10am to allow for the items to be discussed.
- Councillor Kay proposed and Councillor Osborne duly seconded a request that early draft versions of any paperwork due to be on the agendas for the January and February meetings, especially items that related to Planning and Scrutiny Arrangements, were to be distributed to the committee members at the earliest convenience. The committee voted in support of the request.

8 Any other urgent items of business - Agenda Item 8

There were no other items of business raised at the meeting.

(The meeting ended at 3.20 pm)

CHAIR