

PAPER C – PART D4 AND D5 – LICENSING AND REGULATORY COMMITTEE TERMS OF REFERENCE

Somerset Council

Annual Council
22 May 2024



Review of Parts D4 and D5 of the Council’s Constitution – Licensing and Regulatory Committee Terms of Reference and Hearing Procedure

Lead Member: Councillor Ross Henley, Chair of the Constitution and Governance Committee

Local Member(s) and Division: All Members

Lead Officer: Scott Wooldridge, Head of Governance and Democratic Services

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1. Summary and background

- 1.1.** This report and its supporting documents proposes amendments to the Constitution relating to the Licensing Service. Specifically to Part D4 – Licensing and Regulatory Committee Terms of Reference and Part D5 - Licensing and Sub-Committee Hearing Procedure. This work is in line with the commitment given in February 2023 that a review of the Constitution would be completed and reported to Full Council by June 2024.
- 1.2.** The Constitution and Governance Committee considered and supported the proposed changes to Part D4 and Part D5 at their meeting on 17 April. The Committee agreed to recommend the proposed changes to Full Council.
- 1.3.** The review has been undertaken with the support of the Lead Member for Communities, Housing and Culture and the Chair and Vice Chair of the Licensing Committee and, with support from senior Licensing, Legal and Democratic Services officers.

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2. Issues for consideration / Recommendations

- 2.1.** The Council is recommended to review, comment upon and approve the proposed changes to the following parts of the Council’s Constitution:
- I. Part D4 – Licensing and Regulatory Committee Terms of Reference (see Appendices 2 and 3)
 - II. Part D5 – Licensing and Sub-Committee Hearing Procedure (see Appendices 5 and 6)
 - III. Specific delegations for the Licensing Functions (Appendix 7)

3. Consultations undertaken

- 3.1.** The review has been led by the Head of Governance and Democratic Services with the support of the Lead Member for Communities Housing and Culture, the Chairs and Vice-Chairs of the Licensing Committees and senior officers from Licensing, Legal and Democratic Services.
- 3.2.** The review has considered both the Licensing and Regulatory Committee Terms of Reference and the Licensing and Sub-Committee Hearing Procedure.
- 3.3.** Minor clarifications have been proposed to the Licensing and Regulatory Committee Terms of Reference to ensure the Committee Members are fully trained in all licensing procedures prior to sitting on the Licensing and Regulatory Committee and any of its sub-committee hearings.
- 3.4.** It is also proposed to clarify that substitute Members, having undertaken the appropriate training, may sit on the Licensing and Regulatory Committee, but they may not be a member of any Licensing or Regulatory Sub-Committee.
- 3.5.** A further clarification proposed is while the remit of the Committee is to develop, review and adopt statutory and relevant discretionary Policies in relation to the functions undertaken by the Licensing and Regulatory Committee, there is an exception that the Licensing and Gambling Policies require Full Council approval.
- 3.6.** It is proposed that the Licensing and Regulatory Sub-Committee Hearing Procedure be amended to allow the applicants to speak immediately after the presenting officer. This was considered more appropriate to address the concerns raised by objectors at a Hearing.
- 3.7.** There is also a clarification that:
- a. the election of a Chair for each Licensing and Regulatory Sub-Committee Hearing will be the first item of business.

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- b. the sub committee meetings be scheduled as required, rather than monthly.

- 3.8.** The proposed changes to Part D4 – Licensing and Regulatory Committee Terms of Reference and Part D5 - Licensing and Sub-Committee Hearing Procedure have been considered by Members at two workshops with officers from October 2023 to January 2024.
- 3.9.** The review further considered the Officer Scheme of Delegation (Part I2 of the Constitution) and have proposed changes to paragraphs 161, 162 and 163 relating to the scope of the Licensing Service. The changes are listed in the appendix to Agenda item 9: Review of the Council Constitution Part I2 – Officer Scheme of Delegation.

4. Implications

- 4.1.** Legal - under Section 9P of the Local Government Act 2000, the Council is required to prepare and keep up to date a Constitution containing the standing orders of the Council and such other information as is required or desirable.
- 4.2.** No specific negative equalities implications have been identified with the proposals set out in the new Constitution. Decisions taken by the Council, in accordance with its Constitution, will consider equalities implications and have due regards to its legal duties under the Equality Act 2010. The arrangements for committee meetings will take full consideration of equalities and public accessibility requirements. An Equalities Impact Assessment is not considered necessary for this decision as there are no direct impacts.

5. Background papers

- 5.1.** Appendix 1 - Part D4 – Licensing and Regulatory Committee Terms of Reference – current version as adopted by Council in February 2023
- Appendix 2 - Part D4 – Licensing and Regulatory Committee Terms of Reference – with track changes as proposed by the review
- Appendix 3 - Part D4 – Licensing and Regulatory Committee Terms of Reference – clean version with all proposed changes
- Appendix 4 - Part D5 - Licensing and Sub-Committee Hearing Procedure - current version as adopted by Council in February 2023
- Appendix 5 - Part D5 - Licensing and Sub-Committee Hearing Procedure - with track changes as proposed by the review

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Appendix 6 - Part D5 - Licensing and Sub-Committee Hearing Procedure -
clean version with all proposed changes

Appendix 7 - Specific delegations for the Licensing functions

Note For sight of individual background papers please contact the report author