

AUDIT AND GOVERNANCE COMMITTEE



Report subject	Report of the Constitution Review Working Group - Changes to the Constitution
Meeting date	22 April 2021
Status	Public Report
Executive summary	The report summarises the issues considered by the Constitution Review Working Group and sets out a series of recommendations arising from the Working Group for consideration by the Committee. Any recommendations arising from the Committee shall be referred to full Council for adoption.
Recommendations	It is RECOMMENDED that: the revised arrangements for the Licensing Committee within Part 3, Rule 3 of the Constitution as set out in Appendix 1 to this report, be approved.
Reason for recommendations	To make appropriate updates and revisions to the constitution following consideration by the Working Group.
Portfolio Holder(s):	Councillor Drew Mellor (Leader of the Council)
Corporate Director	Graham Farrant (Chief Executive)
Report Authors	Richard Jones, Head of Democratic Services Susan Zeiss, Director of Law and Governance and Monitoring Officer
Wards	Council-wide
Classification	For Recommendation

Background

1. The Terms of Reference of the Audit and Governance Committee include 'Maintaining an overview of the Council's Constitution and governance arrangements in all respects'.
2. In discharge of this responsibility the Committee established a Constitution Review Working Group of five of its Councillors. The current members of the Working Group are Councillor Williams (Chairman), Councillor D Butt (Vice-Chairman) and Councillors Beesley, Brooke and Trent.
3. Since its establishment, the Working Group has continued to meet on a regular scheduled basis.

Constitution - Part 3 (Responsibility for Functions); Rule 3 (Licensing Committee)

4. The Working Group considered the detailed provisions within the Constitution relating to operation of the Licensing Committee and in particular the Committee's powers to delegate its functions to the Licensing Sub-Committees.
5. The Chair of the Licensing Committee attended the meeting of the Working Group for this item.
6. The Working Group accepted that a Committee of 15 Councillors was too large to consider specific licence applications and particularly as meetings involved hearing and consideration of complex, sensitive and often highly emotive issues around suitability of applicants for licences.
7. It was accepted that such a large tribunal of up to 15 Councillors could be potentially unfairly daunting for an applicant. There was already an effective process and framework of Sub-Committees in place to deal with a range of applications and the Working Party supported the expansion of the schedule of application types that could be considered by the Sub-Committee.
8. Issues of strategy and policy such as Licensing Policy and fees and charges would continue to be matters that should quite properly be addressed by the main Licensing Committee.
9. Proposals to the Working Group were essentially therefore, if agreed, to expand the list of licensing functions that could be discharged by a Sub-Committee as opposed to having to go to the full Licensing Committee. This would include applications relating to premises or land operated by the Council.
10. The Working Group were of the view that this issue should be progressed as a matter of urgency ahead of the wider review of the Constitution with a recommendation therefore to be made to Audit and Governance Committee on 22 April and then a recommendation to Council on 2 June 2021 after which any new provision would come into effect.

Conclusion

11. The Working Group concluded and recommend to the Audit and Governance Committee that Part 3 (Responsibility for Functions); Rule 3 (Licensing Committee) of the Constitution be amended as follows:-
 - (a) existing paragraphs 3.2 (e) to (h) and (k) to (n) be included within the list of functions delegated by the full Licensing Committee to a Sub-Committee and moved accordingly into paragraph 3.2 (d) to become 3.2 (d) (xiii) to (xx);

- (b) the functions described in existing paragraphs 3.2 (i) and 3.2 (j) relating to fees and charges remain the responsibility of the full Licensing Committee and accordingly become 3.2(e) and 3.2 (f).

12. These changes are reflected within the revised proposed new Part 3, Rule 3 as set out in Appendix 1 to this report.

Summary of financial implications

13. There are no financial implications arising from the recommendations in this report.

Summary of legal implications

14. A legal review of the functions proposed to be delegated will be undertaken and reported in order to provide assurance that there is no legal impediment to the delegation of said proposed matters to the sub-committee.

Summary of human resources implications

15. There are no human resource implications arising from this report.

Summary of sustainability impact

16. There are no sustainability implications arising from this report.

Summary of public health implications

17. here are no public health implications arising from this report.

Summary of equality implications

18. There are no specific equality implications arising from this report.

Summary of risk assessment

19. The Constitution is a legally required document which prescribes the procedural and democratic arrangements for the proper governance of the Council.

Background papers

None

Appendices

Appendix 1 – Constitution- Part 3 – Responsibility for Functions (Licensing Committee)