

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

LICENSING COMMITTEE

22 October 2019

1. **Report Title:** Review and Update of Responsibilities and Terms of Reference of the Licensing Sub-Committee
- Submitted by:** Head of Environmental Health and Licensing Administration Team Manager
- Portfolio:** Finance and Efficiency
- Ward(s) affected:** All

Purpose of the Report

To request that Members note the contents of the report and recommend that the reviewed and updated responsibilities and terms of reference of the Licensing Sub-Committee are approved by the Constitution Members Working Party and Full Council.

Recommendations

Members are asked:

- a) To note the contents of the report; and
- b) Recommend to the Constitution Members Working Party and Full Council that the contents are approved and included within the Council's Constitution.

Reasons

The Council's Constitution is currently under review and it has been identified that the current Terms of Reference for the Licensing Sub-Committee were not included.

1. **Background**

- 1.1 The Responsibilities of the Council, its Committees and Sub Committees are currently set out at Appendix 1 of the Constitution. The document was last updated in September 2018 and so requires reviewing to reflect the Council's current committee structure and updating generally.

2. **Issues**

- 2.1 The Council should regularly review its Constitution and update the provisions.
- 2.2 Appendix 1 is currently divided into three main sections:
- Appendix 1 sets out the responsibilities of Full Council
 - Annex 1 to Appendix 1 sets out Non executive Statutory Functions
 - Annex 2 to Appendix 1 sets out the Terms of Reference for Committees, Sub Committees and Working Parties of full Council

2.3 The opportunity has been taken to move all the Terms of Reference for Council and all Committees and sub Committees and Working Parties into one Appendix and just keep Annex1. Annex 1 has not been reviewed but was only updated in September 2018.

2.4 The current review identified that the Terms of Reference for the Licensing Sub-Committee were not included in the Constitution. The powers inferred on the Sub-Committee are set down in primary legislation, mainly the Licensing Act 2003 and Gambling Act 2005, and are being included for consistency.

3. **Proposal**

3.1 The proposed Terms of Reference are attached as Appendix 1. The primary role of the Licensing Sub-Committee is to determine contested applications under Licensing Act 2003 and Gambling Act 2005.

3.2 That Members:

- a) Note the contents of the report (**Recommended**); and
- b) Recommend to the Constitution Members Working Party and Full Council that the contents are approved and included within the Council's Constitution (**Recommended**).

4. **Reasons for Proposed Solution**

4.1 To include the Terms of Reference for the Licensing Sub-Committee in the Council's Constitution to specify the detailed matters which are delegated to them by legislation.

5. **Options Considered**

5.1 There is an option to do nothing but this would mean continuing to work with an incomplete Constitution which is not good practice and unhelpful to both officers and elected members.

6. **Legal and Statutory Implications**

6.1 All local authorities are required to have a written Constitution which must be kept under regular review and publicised. Any amendments to the Constitution require the approval of Full Council.

7. **Equality Impact Assessment**

7.1 Not applicable

8. **Financial and Resource Implications**

8.1 No significant additional resources will be required in relation to the recommendations.

9. **Major Risks**

9.1 That the Terms of Reference do not reflect up to date legal requirements and /or best practice resulting in challenge to Council decisions and/or reputational damage.

10. **Sustainability and Climate Change Implications**

10.1 There are no direct implications.

11. **Key Decision Information**

11.1 This is not a key decision which requires inclusion on the Cabinet Notice of Decisions/
Forward Plan.

12. **Earlier Cabinet/Committee Resolutions**

12.1 Not applicable

13. **List of Appendices**

13.1 Appendix 1 – Proposed Terms of Reference for the Licensing Sub-Committee

14. **Background Papers**

14.1 Council Constitution