

PROPOSED AMENDMENT TO GENERAL PURPOSES AND LICENSING COMMITTEE'S TERMS OF REFERENCE

1. Introduction

- 1.1 Under the Leader/Executive decision-making arrangements operated by this Council, most functions and decisions are the responsibility of the Executive. However, by law, certain functions may not be the responsibility of the Executive – these are, in general terms (but not exclusively), regulatory-type functions such as planning, licensing, electoral registration and elections, by-laws, health and safety enforcement, etc. With the exception of planning-related matters, most of these non-Executive functions fall within the General Purposes and Licensing Committee's terms of reference, which are attached to this report as Appendix 1.

2. Additional Terms of Reference

- 2.1 Notwithstanding the breadth of the General Purposes and Licensing Committee's terms of reference, from time to time a matter which is not a function of the Executive but which is not specifically covered by that Committee's terms of reference arises. These tend to be matters which have arisen as a result of new legislation. A current example is a request for a Designated Public Places Order (DPPO) which gives the Police additional powers in regard to the consumption of alcohol in public places and which is likely to come before members at some stage in the future. The making of a DPPO may not be a function of the Executive, but is not specifically mentioned in the General Purposes and Licensing Committee's terms of reference.
- 2.2 In order to ensure that the decision-making arrangements are clear, it is considered appropriate to extend the General Purposes and Licensing Committee's terms of reference to include consideration of other matters that are not the responsibility of the Executive or another Committee. No additional delegated authority to that Committee is envisaged – that Committee would simply become the forum for initial consideration of these other matters and would make recommendations to the Council.

3. Financial, Environmental, Crime & Disorder and Equality & Diversity Implications

- 3.1 None arising directly from this report.

4. General Purposes and Licensing Committee Comments

- 4.1 The General Purposes and Licensing Committee at their meeting on 14 January supported the change to their terms of reference.

5. Portfolio Holder Comments

- 5.1 The Policy and Resources Portfolio Holder supports the proposed amendment as set out below.

6. Recommendation:

- 6.1 That the Council be recommended to agree that the General Purposes and Licensing Committee's terms of reference be amended by the addition of:

"To consider and make recommendations to the Council on any other matters not specifically set out in this Committee's, or any other Committee's, terms of reference that are not a function or responsibility of the Executive".

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Background Papers:

Published documents

GENERAL PURPOSES AND LICENSING COMMITTEE

TERMS OF REFERENCE

1. To be the licensing committee established by the Council under section 6 of the Licensing Act 2003 and to discharge the licensing authority functions under that Act and the Gambling Act 2005.
2. To keep the Council's Statement of Licensing Policy and Statement of Gambling Principles under review and recommend changes to the Council.
3. To provide regular reports to the Planning Development Control Committee and Review Panels, as appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol and gaming related crime and disorder.
4. To determine the procedure to be followed at hearings of the Licensing Sub-Committee.
5. To be responsible for all matters relating to the licensing and registration functions determined by the Council under Part B, and the functions relating to public rights of way determined by the Council under Part I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
6. Except in relation to the Council as an employer, to advise the Council on functions under any relevant statutory provision within the meaning of Part 1 (health, safety and welfare in connection with work and control of dangerous substances) of the Health and Safety at Work etc., Act 1974 under Part C of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
7. To advise the Council on all matters, including the appointment of appropriate Officers, relating to:-
 - a) electoral registration and elections
 - b) establishment, dissolution, grouping and any other matters relating to Parishes and Parish Councils
 - c) declarations of vacancy in certain offices
 - d) the name, status of areas and individuals
 - e) the making, amendment, revocation or re-enactment of byelaws
 - f) the promotion or opposition to local or personal Bills
 - g) Local Government pensions

under Parts D,E,F,G and H of Schedule 1 to The Local Authorities (Functions and Responsibilities) (England) Regulations 2000.
8. To authorise the requisition of information as to interests in land in connection with the functions delegated to the Committee.

9. To respond, as consultee, on issues relating to sea fisheries.
10. Where appropriate, to advise the Council on appointments to Committees, Sub-Committees and Joint Committees.
11. To advise the Council on standing orders for meetings and other matters.
12. To advise the Council on the arrangements for the appointment of staff to discharge the Authority's functions properly.
13. To make recommendations to Council on estimates of income, fees and charges, expenditure and the budget required by the Committee to undertake its functions.
14. To vary the maximum hackney carriage fares applicable in the District.
15. Subject to compliance with any provisions within legislation and the Council's Constitution, to delegate any of the functions of the Committee to an officer of the Council.
16. To respond on behalf of the Council to consultation papers on matters falling under the specific terms of reference of the Committee.
17. To advise the Council on appointing staff and the terms and conditions on which employees hold office (including procedures for their dismissal).