



## Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Council 18 May 2021

Wards affected: All wards

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### Licensing and regulatory functions – amendments to the constitution

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Report of the Monitoring Officer

#### **1. Purpose of report**

- 1.1 To propose combining the functions of the Licensing Committee and Licensing (Regulatory) Committee to create one body and to approve the resulting changes to the constitution.

#### **2. Recommendation**

- 2.1 The functions of the Licensing (Regulatory) Committee be included in the terms of reference of the Licensing Committee to create a single body of 11 members.
- 2.2 The constitution be amended as outlined in the appendices.

#### **3. Background to the report**

- 3.1. Council currently appoints a Licensing Committee and a Licensing (Regulatory) Committee, each with its own terms of reference set out in the constitution. Both committees have the same membership with the same chairman (who receives a single special responsibility allowance). Some of the functions of the Licensing Committee are carried out by sub-committees which consist of three members of the Licensing Committee appointed on an ad hoc basis to carry out duties listed in the constitution as set out in the relevant legislation.
- 3.2 The Licensing (Regulatory) Committee has met twice in the last ten years (the last time in 2016). The Licensing Committee meets, on average, twice a year.

This infrequency presents difficulties in approving minutes of previous meetings.

- 3.3 Constituting two separate committees with the same membership has presented difficulties in allocating committee seats on a politically proportionate basis due to the need for the membership of both committees to remain identical.
- 3.4 It is proposed that the Licensing Committee and the Licensing (Regulatory) Committee be combined to form a single “Licensing Committee” of 11 members. This remains in accordance with all relevant legislation but would require an amendment to the constitution to combine the terms of reference of both bodies. The recommended amendments to the terms of reference within part 2b of the constitution are included at appendix 1.
- 3.5 In addition to the changes to the terms of reference, the reference to the Licensing (Regulatory) Committee will also need to be removed or amended in the parts of the constitution as listed in appendix 2.

#### **4. Exemptions in accordance with the Access to Information procedure rules**

- 4.1 To be taken in open session.

#### **5. Financial implications (FMc)**

- 5.1 There will be no additional costs.

#### **6. Legal implications (MR)**

- 6.1 The Localism Act 2011 provides for the appointment of a licensing committee which will discharge all of HBBC’s functions under the Licensing Act 2003.
- 6.2 The current Licensing Committee also discharges other licensing functions of HBBC namely hackney carriage and private hire vehicle licensing, and there seems no reason why legally the functions currently delegated to the Licensing Regulatory Committee should not also be carried out by the Licensing Committee so that all of HBBC’s licensing functions can be contained under the one umbrella of a single licensing committee.

#### **7. Corporate Plan implications**

- 7.1 The recommendations within this report support all objectives within the corporate plan in ensuring good governance.

#### **8. Consultation**

- 8.1 Relevant officers and the chairman of the Licensing Committee and Licensing (Regulatory) Committee have been consulted in the course of preparing this report.

## 9. Risk implications

- 9.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.
- 9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) risks		
Risk description	Mitigating actions	Owner
None.		

## 10. Knowing your community – equality and rural implications

- 10.1 This report is not proposing a change to a service or policy and as such will not impact any community or group.

## 11. Climate implications

- 11.1 The recommendations within this report do not propose any service or policy changes and have no climate implications.

## 12. Corporate implications

- 12.1 By submitting this report, the report author has taken the following into account:
- Community safety implications
  - Environmental implications
  - ICT implications
  - Asset management implications
  - Procurement implications
  - Human resources implications
  - Planning implications
  - Data protection implications
  - Voluntary sector

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Background papers: None.

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