

WEST NORTHAMPTONSHIRE COUNCIL

COUNCIL MEETING

20 May 2021

Appendix 1 - Report of the Amendments to the Constitution

Report 5.1.1-5.1.2 – Licensing committee change to constitution:

Part Four - Committees

“4.3 Regulatory Committees

4.3.1 Alcohol and Gambling Licensing Committee

Members 15: Quorum 5. Appointments will be made having regard to the rules on political proportionality.

- a. The Alcohol and Gambling Licensing Committee is responsible for determining licensing policy and applications across a wide range of local authority licensing functions in accordance with its role and functions set out below.
- b. Members shall not participate as Members of the Alcohol and Gambling Licensing Committee or any of its sub-committees in relation to Licensing Act and Gambling Act matters until they have received appropriate training in respect of their functions on the committee or sub-committees.

4.3.1.1 Role and Functions

- To deal with all the licensing functions of the Council under the Licensing Act 2003 and the Gambling Act 2005 (except such functions as cannot be delegated).
- For the avoidance of doubt, the Alcohol and Gambling Licensing Committee shall exercise an advisory role in relation to executive functions.
- To approve licensing policy (except matters specifically reserved by statute to Council or the Cabinet).
- The Alcohol and Gambling Licensing Committee has the power to appoint such sub-committees as may from time to time be necessary to discharge its duties.
- Sub-committees will have full delegated powers to determine contested applications and adjudicate over the review of licences.
- Each sub-committee will comprise three Members drawn from the Alcohol and Gambling Licensing Committee.

4.3.1.2 Sitting as a sub-committee comprising 3 Members (drawn from the full Committee on an ad-hoc basis):

- to hold hearings to determine licensing matters where such hearings are required by the Licensing Act 2003 (“the 2003 Act”) and associated regulations;
- to determine applications for a provisional statement or the grant, variation, or transfer of a premises licence under the Gambling Act 2005 (“the 2005 Act”) where a representation has been received or where the Executive Director of Place and Economy proposes that the power under Section 169(1)(b) be exercised to exclude certain licence conditions;
- to determine all matters in relation to the review of a premises licence under the 2005 Act;
- to determine applications for club gaming and club machine permits under the 2005 Act where objections have been received and matters relating to the cancellation of club gaming and club machine permits or licensed premises gaming machine permits;
- to determine all matters relating to temporary or occasional use notices under the 2005 Act where objections have been received.

4.3.2 Taxi and General Licensing Committee

Members 15: Quorum 5. Appointments will be made having regard to the rules on political proportionality.

- a. The Taxi and General Licensing Committee is responsible for determining licensing policy and applications across a wide range of local authority licensing functions in accordance with its role and functions set out below.
- b. Members shall not participate as Members of the Taxi and General Licensing Committee or any of its sub-committees until they have received appropriate training in respect of their functions on the Committee or sub-committees.

4.3.2.1 Role and Functions

- To deal with all functions relating to licensing and registration as set out in Schedule 1 of the Functions Regulations.
- To deal with all functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as an employer.
- For the avoidance of doubt, the Licensing Committee shall exercise an advisory role in relation to executive functions, such as the fixing of fares for hackney carriages.
- To approve licensing policy (except matters specifically reserved by statute to Council or the Cabinet).
- The Taxi and General Licensing Committee has the power to appoint such sub-committees as may from time to time be necessary to discharge its duties.
- Sub-committees will have full delegated powers to [determine contested applications and adjudicate over the review of licences].

- Each sub-committee will comprise three Members drawn from the Taxi and General Licensing Committee.

4.3.2.2 Sitting as a Panel comprising 3 Members (drawn from the full Committee on a politically proportionate basis):

- to determine all matters relating to the grant, renewal or review of taxi licences (which, for the avoidance of doubt, shall include hackney carriage and private hire vehicle driver and operator licences) where evidence exists as to whether the applicant is a fit and proper person and to suspend or revoke taxi licences in accordance with legislation;
 - in cases where the Head of Service has on public safety grounds revoked with immediate effect a taxi licence, to determine an application for the grant of a new licence submitted by the driver/operator whose earlier licence was revoked;
 - to determine all matters relating to street trading consents where representation or objections have been received.
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Report 5.1.3 - Key Decision definition and guidance; (

Part Five - Executive

Section 5.4 Access to Information Procedure Rules, A. Access to Information Procedures Rules);

Definition of Key Decision and procedure before taking a Key Decision

10.1 A Key Decision means an executive decision, which is likely:

- a. to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- b. to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Council.

10.2 In deciding what amounts to 'significant' in relation to paragraph 10.1a above, a guidance threshold figure of £500,000 is suggested, but discretion should be used to determine whether the amount in question is significant with regard to the particular budget area to which the decision relates.

10.3 Subject to Rules 12 or 13, a Key Decision cannot be taken unless:

- a. a notice ("the Forward Plan") has been published in connection with the matter in question and made available to the public at the main office(s) of the Council;
- b. at least 28 clear calendar days have elapsed since publication of the Forward Plan;

- and
- c. where the decision is to be taken at a meeting of the Cabinet, including a Committee or Sub-Committee of the Cabinet, public notice of the meeting has been given under Rule 2 above.”
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Part 8 – Councillors

Section 8.4 Member Officer Protocol

7. Member Enquiries

7.1 Members have the right to a timely response to enquiries and complaints. Members enquiries should be directed to the Members Enquiry Service provided by Customer Services. Enquiries directed to individual officers will not be monitored and this may lead to a delay in response times. The Member Enquiry Service will ensure that the enquiry is logged and response times are monitored.

7.2 If a member does not receive a response or is not satisfied with the quality of the response they have received they should direct their concerns in the first instance to the Assistant Director of Customer Services.

8. When Things go Wrong

8.1 From time to time the relationship between councillors and officers may break down or become strained. If this is the case, matters may be resolved informally, or through conciliation by an appropriate senior manager or councillor. It is hoped that most issues will be dealt with informally where possible.

8.2 Procedure for Officers

- a. Complaints against councillors must follow the Code of Conduct processes found elsewhere in the Constitution.
- b. Before an officer initiates a formal complaint under the Code of Conduct, he/she should consider raising their concerns about the behaviour of a given councillor with the Monitoring Officer. Officers also have recourse to the Whistleblowing Procedure, or to the Council's Monitoring Officer, as appropriate to the circumstances. Complaints will be taken through the appropriate process, including investigation, under the Council's arrangements for Code of Conduct complaints.

8.3 Procedure for Councillors

- o A member who is concerned about the responses or services on behalf of a constituent should direct their concern to the Assistant Director Customer Services in the first instance.

- If a member is concerned about the individual behaviour of a member of staff the member should approach the line manager of the member of staff in the first instance.
- In the event that a councillor remains dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with an appropriate Corporate Director, usually one with authority over the officer concerned. Where the officer concerned is a Corporate Director, the matter should be raised with the Chief Executive.
 - i. Where the officer concerned is the Chief Executive, the matter should be raised with the Monitoring Officer. If the matter cannot be resolved informally the Councillor can raise a formal complaint under the Officer Code of Conduct which can in appropriate cases lead to the application of the Council's disciplinary procedures.

Part 9 – Officer Scheme of Delegation

Report 5.1.5-5.1.6 - Powers to the Monitoring Officer:

Section 9, Officers, Areas of Responsibility, Exceptions – Legal Exceptions'

<p>“To attest the seal of the Council (and to authorise any other Solicitor of the Council to attest the seal) and hold a book kept for the purpose that contains a consecutively numbered entry of every sealing initialled by the person who has attested the seal.</p>	<p>Director of Legal and Democratic</p>
<p>Under section 91 of the Local Government Act 1972 to appoint by order persons to fill vacancies in the office of parish or community councillor.</p>	<p>Director of Legal and Democratic”</p>