

Decision under Delegated Powers

Officer Making the Decision

Head of Strategic Support (Monitoring Officer)

Decision

To make the following minor amendment to Chapter 5, paragraph 5.5 (c) to the Constitution as follows:

“The Licensing Sub-committee when considering premises licences and associated functions under the Licensing Act 2003 will comprise three members chosen by the Head of Strategic Support on the basis of availability from the members of the Committee so that it includes at least one of the Chair or Vice-chairs of the Committee, where possible. The Licensing Sub-committee will follow the Procedure Rules for licensing hearings when exercising these functions”

“The Licensing Sub-committee when considering matters relating to Hackney Carriage and Private Hire Licensing will comprise four members (with a minimum of three members needing to be present for the meeting to be quorate) chosen by the Head of Strategic Support on the basis of availability from the members of the Committee so that it includes at least one of the Chair or Vice-chairs of the Committee, where possible. The Licensing Sub-committee will follow the Procedure Rules for licensing hearings when exercising these functions”.

Reason

The statutory provision (set out in The Licensing Act 2003, Part 2 (para 9) is clear that, if a Licensing Committee wishes to establish a Sub-committee to consider premises licences and associated functions, the Sub-committee must be comprised of three members. There is no such provision when considering Licensing Private Hire Vehicles and therefore the Constitution needs to make the distinction between the different types of activities.

Authority for Decision

Section 8.2, point 17 (page 8-14) of the Council's Constitution delegates to the Head of strategic Support (and Monitoring Officer) making minor changes to the Constitution. This authority is explained in section 2.5 which states that the Monitoring Officer can change the Constitution if it is to put right clerical mistakes or make it follow the law.

Signed

Background

On 30th April 2018 Council agreed amendments to the Constitution following the annual review; and changes to Executive delegations were agreed on 17th April 2018 and reported into Council for information on 30th April 2018.

Following these changes to the Constitution, further amendments listed above have been identified which are within the scope of the Head of Strategic Support (Monitoring Officer).

Financial Implications

None

Risk Management

No risks have been identified with this decision.

Background papers

None

Officer to Contact: Karen Widdowson (01509 634785)
Democratic Services Manager
karen.widdowson@charnwood.gov.uk