

Report to: Licensing Committee: 20 March 2025

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<b>Report Summary</b>	
<b>Report Title</b>	Constitutional Changes for the Licensing and General Purposes Committees
<b>Purpose of Report</b>	For Committee to: a) consider the proposed changes to the remit of the Committees; and b) consider merging the General Purposes and Licensing Committees into a single committee
<b>Recommendation</b>	That the Committee note the contents of the report and comment on the proposed changes.
<b>Reason for Recommendation</b>	To ensure the Council reviews relevant committee functions and remit to fulfil its statutory obligations and ensure the role of the committee is accurate and up to date.

## **1.0 Background**

- 1.1 The Council's Constitution sets out the remit and function of the Council's committees. The terms of reference for the General Purposes and Licensing Committees provides delegated powers to exercise the functions of the Council in relation to all licensing functions, plus some miscellaneous functions including electoral matters.
- 1.2 The Licensing Committee has a dual role. Firstly, it is responsible for general licensing functions delegated to it under the Constitution by virtue of Section 101 of the Local Government Act 1972. Secondly, it is the Statutory Committee created under Sections 6 and 7 of the Licensing Act 2003 to deal with all licensing functions under that Act and Section 154 of the Gambling Act 2005 to deal with functions relating to premises licences and permits used for gambling.
- 1.3 The main day to day functions that fall within the remit of the General Purposes Committee are the regulation of premises licenses and Taxi (Hackney Carriage) Drivers and Vehicles; Private Hire Drivers, Vehicles and Operators but there are other matters which the Committee is also required to consider or determine but less frequently.

## **Constitution Review**

- 1.4 The Audit & Governance Committee is currently undertaking a review of the Council's Constitution. One of those areas identified for review is General Purposes and Licensing Committees.

### **2.0 Proposed Changes**

- 2.1 A desktop review of the current committee terms of reference was presented to an informal working party in October 2024. The changes proposed were to clarify the terms of reference and remove functions that are no longer relevant and therefore were considered minor in nature. These were accepted as necessary and reasonable changes and are due to be presented to Audit & Governance Committee for further consideration, following due consideration by this Committee. A copy of the tracked changes and clean copy of the changes to the Constitution are found in **Appendix 1**.

- 2.1 The working party also discussed whether there should be 2 committees or just 1, in respect of licensing functions. A number of neighbouring authorities including Mansfield District Council, Ashfield District Council and Bassetlaw District Council have established a single committee for regulatory licensing functions. There is no statutory requirement to have 1 or 2, the only requirement is that which is set out in paragraph 1.2 above. The historical reason for having two committees is that the committees were set up under different legislation with slightly different requirements. The working group reached the view that 1 committee is preferable; this Committee is asked to provide comments on that proposal.

- 2.2 If a single committee is to focus solely on regulatory licensing functions, some of the General Purposes Committee's functions will need to be moved elsewhere. It is considered that Audit & Governance Committee would be the most suitable body to consider electoral matters; the relevant functions are highlighted in Appendix 1.

### **3.0 Implications**

In writing this report and in putting forward recommendations' officers have considered the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

## **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.