

**REPORT FOR: LICENSING & GENERAL
PURPOSES COMMITTEE**

Date of Meeting:	1 March 2009
Subject:	Changes to the Allocation of Responsibilities for the Licensing and General Purposes (L&GP) Committee
Responsible Officer:	Hugh Peart, Director of Legal and Governance Services
Exempt:	No
Enclosures:	Appendix 1 – Current Terms of Reference L&GP Cttee Appendix 2 – Current Terms of Reference GARM Cttee Appendix 3 – Proposed Terms of Reference Licensing Committee and sub-committee Appendix 4 – “general purposes” items to be dealt with by either another or new Committee as part of the reassignment of “general purposes type bodies”

Section 1 – Summary and Recommendations

This report sets out proposals concerning a revision of the terms of reference for Licensing and General Purposes (L&GP) Committee.

Recommendation: (to Council)

The Committee is requested to agree the proposed changes outlined in Option 2 of the report for implementation at Annual Council on 25 May 2010.

Section 2 – Report

2.1 Background

Under the Licensing Act 2003, a licensing authority must establish a licensing committee of between 10 – 15 Councillors. Currently the two areas of “licensing” and “general purposes” are merged as all functions are a responsibility of the non-executive decision making process and a single committee was considered, at time of implementation, to provide opportunity for efficiencies of working.

Those matters identified as “general purposes” bodies relate to responsibilities of the Council which are not contained within the remit of the Executive and include issues such as elections; pension fund investments; personnel matters etc.

Following a request from the Chairman of Licensing and General Purposes Committee, officers have reviewed the current allocation of responsibilities of this committee and all its associated sub-bodies. It is considered that the extent of licensing responsibility has grown and that it may be appropriate to revisit the Terms of Reference of the Licensing & General Purposes Committee and whether these remain the “best fit” for addressing the many responsibilities under its management.

Currently the following sub-bodies fall under the umbrella of the Committee proportionately represents the membership of the Council:

Licensing Functions:

Licensing Panel

When a Panel is called three Members are drawn from the pool of the L&GP membership. Panel meetings have delegated authority to deliver the licensing authority functions under the Licensing Act 2003. The Panel operates a quasi-judicial decision making process, meeting on an as and when needed basis to consider applications for applications for new licences/ temporary events notices/review of licences/gambling act matters etc. Meetings of the Panel are arranged on the basis of the type of representation received.

General Purposes Functions:

Chief Officers Employment Panel

Membership is drawn from Leaders / Deputy Leaders of Political Groups. The Panel has full delegated responsibility to determine the appointment/dismissal of Chief Officers and makes recommendations to Council regarding the Head of Paid Service. Meetings are held on an as and when required basis.

Education Awards Appeals Panel

The regulatory Panel remit is to review appeals against refusals of grants to students, for clothing, transport and food. Since the Student Loans Company took over provision for students and the allocation of monies was centralised this duty no longer resides with local authorities. The remaining appeal area is in relation to clothing grants. The panel has not sat in over 3 years.

Polling Station Review Working Group

An informal sub-body whereby the Returning Officer requests a review of polling station arrangements. In order to fulfil statutory requirements, the next review is proposed for 2011. Meetings are activated by the formal request of the Returning Officer.

Early Retirement Sub-Committee

- quasi-judicial function with specific responsibilities under Regulation 26 of the Local Government Pension Scheme Regulations to determine cases and require the employing authority to make certain decisions in relation to early retirement. Outcomes are reported onwards / directly to the L&GP Committee. In order to meet good practice, the Council has adopted a governance compliance statement. Section 101 Local Government Act 1972 provides that decisions can be by committee, sub committee or officer. The members of the sub-committee may be any Councillor.

National Non-Domestic Rate Discretionary Rate Relief Appeals Panel

- under section 47 of the Local Government Finance Act local authorities are able to provide rate relief to businesses if certain conditions are fulfilled. This sub-body (which replaced the former "Housing Benefit Appeals Panel" system) has been appointed for this purpose. However, the scope of appeal opportunities has narrowed and it has not met for at least 3 years.

Pension Fund Investments Panel

- has full delegated responsibility for delivering and managing pension fund investments. It meets at least 6 times a year and Members sitting on the Panel receive additional training to equip them to undertake their role.

Personnel Appeals Panel

- provides an independent Member process for the consideration of appeals from staff members in relation to significant disciplinary actions including dismissals. This panel is not needed by statute. Members are not required to sit on appeals and many authorities have officers hearing appeals.

Social Services Appeals Panel

This body has specific responsibilities in three areas:

- Children (Secure Accommodation) Regulations;
- Mental Health Act 1983; and
- complaints in relation to Children Act 1989 and Community Care Act 1990.

Such issues arise very rarely although the Panel has met recently to consider various secure accommodation issues.

(i) Secure Accommodation Review Panels

These are required by The Children (Secure Accommodation) Regulations 1991 to comprise of 3 members at least one of whom is not employed by the local authority. There is no statutory requirement to appoint a Councillor to this body.

(ii) Complaints

Established by the Local Authority Social Services Complaints (England) Regulations 2006 (SI no 1681) and requires that none of the panel's members are officers of the LA and that at least 2 out of 3 (including the chair) are independent of the Local Authority. There is no statutory requirement to have an elected member.

If Councillor level membership is retained, the Guidance - Learning from Complaints, Social Services Complaints Procedure for Adults 2006 requires that members are given proper support facilities and training to carry out their role.

2.3 Options for Consideration

The following options are available to Members:

Option 1

Continue with the Licensing & General Purposes Committee delivering the varied responsibilities currently within its remit.

This option is NOT recommended.

Option 2

Separate the Licensing Policy and service delivery function to a single Licensing Committee, with the remaining “general purposes” functions becoming subject to delegation to either Corporate Directors or contained within an extended remit of the current Governance & Risk Audit Management Committee.

Licensing Committee

The main Committee would address all matters in relation to the setting and/or changing of Policy and those matters subject to current or emerging legislation (eg: Licensing Act 2003). It is proposed that it would establish several Licensing Panels to undertake the Hearings process in relation to licensing applications – the key change being that each Panel would have a defined Chairman and membership as suggested below:

Licensing Panels x “up to” 5

Up to five formal Licensing Panels (dependent on the membership level of the main Licensing Committee) with an identified Chairman and membership.

It is proposed that each Chairman would be able to reserve for another Licensing Panel Chairman. The remaining 2 Members on the Panel would be able to be reserved for by any other Member within the membership of the Licensing Committee.

Licensing Panel A - Cllr “NAME” (Chair)

Member 1
Member 2

Licensing Panel B - Cllr "NAME" (Chair)
Member 1
Member 2

Such Panels would exercise all the powers delegated from Licensing Act 2003 / Gambling Act 2005 other specific licensing functions.

“General Purposes” sub-bodies be reorganised as follows:

Education Awards Appeals Panel - as the remit of appeal is extremely narrow and unlikely to cause a meeting of the Panel, the duties associated with this Panel be assigned as an additional delegation to the Corporate Director Children’s Services.

Polling Station Review Working Group – be assigned as a Working Group within an extended remit of the Committee currently undertaking Governance, Audit & Risk Management matters.

Personnel Appeals Panel - be assigned within an extended remit of the Committee currently undertaking Governance, Audit & Risk Management matters.

Chief Officers Employment Panel - be assigned within an extended remit of the Committee currently undertaking Governance, Audit & Risk Management matters.

Early Retirement Sub-Committee - be assigned within an extended remit of the Committee currently undertaking Governance, Audit & Risk Management matters.

Pension Fund Investments Panel - be assigned within an extended remit of the Committee currently undertaking Governance, Audit & Risk Management matters.

National Non-Domestic Rate Panel - be assigned within an extended remit of the Committee currently undertaking Governance, Audit & Risk Management matters.

Social Services Appeals Panel - this Appeals Panel be addressed after May 2010 to allow the Corporate Director Children’s Services to assess the extent of its current responsibilities and undertake appropriate benchmarking with other authorities.

This is an opportune time to achieve these changes as various requirements of legislation require a change in the current working arrangements of the Governance, Audit & Risk Management Committee.

This option IS recommended.

Option 3

Licensing Committee & Licensing Panels

As proposed within Option 2 above.

Finance, Audit & General Purposes Committee

Create a new Committee to be named Finance, Audit & General Purposes and all current “general purposes” bodies sitting under Licensing & General Purposes Committee be absorbed within its extended remit. This is an opportune time to achieve these changes as various requirements of legislation require a change in the current working arrangements of the Governance, Audit & Risk Management Committee. Any proposal to create this potential new Committee would need to gain the agreement of the existing Governance, Audit & Risk Management Committee.

This option is NOT recommended.

Option 4

Licensing Committee & Licensing Panels

As proposed within Option 2 above.

Business Administration Committee

Create a new Committee to be named Business Administration Committee and all current “general purposes” bodies sitting under Licensing & General Purposes Committee be assigned to this additional new Committee. The membership level of such a Committee would remain subject to determination should this option be pursued.

This option is NOT recommended.

Option 5

Licensing Committee & Licensing Panels

As proposed within Option 2 above.

Pension Fund Investments Panel

This specific Panel be moved to the Governance, Audit & Risk Management Committee due to the direct relationship in terms of financial matters that exists with this Panel.

Business Administration Committee

Create a new Committee to be named Business Administration Committee and the remaining “general purposes” bodies sitting under Licensing & General Purposes Committee be assigned to this additional new Committee. The membership level of such a Committee would remain subject to determination should this option be pursued.

This option is NOT recommended.

Analysis and Reasons for Change

Other Local Authorities Benchmarking

In terms of comparators for the above, a survey of London authorities was undertaken –of which 16 responded:

- 4** operate a **JOINT Licensing & General Purposes Committee**
- 12** operate **SEPARATE Licensing Committee only systems. Other administration matters were either evidenced by a separate General Purposes Committee or a combined Finance & General matters Committee.**

This suggests there is no “right” or “wrong” solution with regard to the addressing of this issue. Councils in general appear to adopt a “whichever works best” approach to individual need.

2.4 Financial Implications

There are potential financial implications arising from the creation of a new Council Committee with regard to the potential need for a new Special Responsibility Allowance. It is anticipated that any additional Special Responsibility Allowance would be contained within the resource envelope currently identified.

2.5 Legal Implications

As contained within the report.

2.6 Risk Management Implications

The risk area would be to ensure the good governance and decision making of the Council remained intact whichever option were adopted.

2.7 Corporate Priorities

The corporate priority incorporated in this report is “Build Stronger Communities” as it is envisaged that the proposals would all contribute to the encouragement of democratic engagement with the wider community.

Section 3 - Statutory Officer Clearance

Name: Steve Tingle	<input checked="" type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: : 25 February 2010		
Name: Paresh Mehta	<input checked="" type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 25 February 2010		

Section 4 - Contact Details and Background Papers

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Background Papers: Harrow Constitution