

**AMENDMENT TO CONSTITUTION**

**EXECUTIVE MEMBER:** Councillor Alan Holliday.

**LEAD OFFICER:** Martin Jepson, Head of Legal and Democratic Services.

**REPORT AUTHOR:** Tim Capper, Democratic Services Manager.

**Summary:** Proposes minor change to the Constitution.

<b>Recommendation:</b>	That the change set out in paragraph 2.3 be agreed and implemented with immediate effect.
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**1. INTRODUCTION**

- 1.1 This report recommends a minor amendment to the Constitution which has come to light since the establishment of Committees by Council on the 10<sup>th</sup> May 2007. The amendment requires approval by full Council.

**2. LICENSING COMMITTEE AND SUB-COMMITTEES**

- 2.1 The list of memberships submitted to, and approved by Council at the 2007 Annual Meeting, inadvertently included fixed memberships of the 4 Licensing Sub-Committees. This is inconsistent with the decision of Council on 21 June 2005 and 27<sup>th</sup> June 2006 to move from fixed memberships to a rota-based membership.
- 2.2 Fixed memberships are inappropriate. If a Sub-Committee member falls ill or is otherwise unable to attend a meeting the whole Sub-Committee cannot sit. If this occurs on the morning of a meeting it is unlikely that an alternative fixed membership Sub-Committee can be found resulting in the meeting being cancelled. Frequently many parties attend Sub-Committee hearings and cancellation can result in wasted costs. Rota memberships allow flexibility and avoid the risk of meetings being cancelled at the last minute.
- 2.3 It is therefore recommended that the membership of each of the Licensing Sub-Committees is taken from the Licensing Committee on a rota basis, subject to availability and eligibility, with reserve membership being from any member of the Licensing Committee, and that any such Sub-Committee for the purpose of hearings before it is deemed to be appointed by the Licensing Committee under section 10 of the Licensing Act 2003 and section 154 of the Gambling Act 2005.

**List of Appendices:** None.

**List of Background Documents:** None.

**List of Consultees:** None.

## **CHECKLIST FOR DEALING WITH KEY ISSUES**

Please confirm by way of a tick on the box against the issue if the following key issues have been addressed.

Impact on Crime and Disorder	Not directly applicable; Licensing Act 2003 and Gambling Act 2005 objectives relate to the prevention of crime and disorder.
Impact on Sustainability	Not directly applicable.
Impact on Rural Proofing	Not directly applicable.
Health and Safety Implications	Not directly applicable; Licensing Act 2003 objective relates to public safety in considering licensing applications.
Impact on Equality and Diversity Issues	Not directly applicable.
Children and Young Persons Implications	Not directly applicable; Licensing Act 2003 and Gambling Act 2005 objectives relate to the protection of children from harm in considering licensing applications.
Human Rights Act Implications	Not directly applicable; statutory procedures automatically ensure that the right to a fair hearing is protected.

Please say if this report will require the making of a Key Decision

**No.**