

**Agenda Item No:** 7

**Report To:** Selection & Constitutional Review Committee

**Date of Meeting:** 10 October 2019

**Report Title:** Amendment to the Terms of Reference of the Licensing Sub-Committee

**Report Author & Job Title:** Trevor Ford  
Environmental Protection and Licensing Team Leader

**Portfolio Holder** Cllr. Jo Gideon  
**Portfolio Holder for:** Community Safety and Wellbeing



<b>Summary:</b>	The purpose of this report is to seek members' agreement to amend the Terms of Reference of the Licensing Sub-Committee to include the determination of applications, suspensions, and revocations of licences
-----------------	--

**Key Decision:** No

**Significantly Affected Wards:** None

**Recommendations:** **The Selection and Constitutional Review Committee be asked to:-**

**Recommend to the Council that the suggested amendment to the Licensing Sub-Committee's Terms of Reference be agreed.**

**Policy Overview:** The suggested amendment to the Licensing Sub-Committee's Terms of reference have no material implications for the council's licensing policy. They are of an administrative nature only.

**Financial Implications:** None

**Legal Implications** None

**Equalities Impact Assessment** Not required – no change to practice

**Other Material Implications:** None

**Exempt from Publication:** **NO**

**Background  
Papers:**

N/A

**Contact:**

Trevor.ford@ashford.gov.uk – Tel: (01233) 330397

## **Report Title: Amendment to the Terms of Reference of the Licensing Sub-Committee**

### **Introduction and Background**

1. The Terms of Reference of the Licensing Sub-Committee details the matters that can be considered and determined by the sub-committee.

### **Proposal/Current Position**

2. The current wording of the terms of reference does not adequately detail the determination of certain licence applications by the Sub-Committee, or suspension/revocation of licences, where such matters are referred to the Sub-Committee by officers under delegated powers. This includes the determination and enforcement of private hire/hackney drivers licences, private hire operators licences, and private hire/hackney vehicle licences.
3. This report, in line with legal advice, therefore, seeks to amend the terms of reference to include the following;

*“Requests by officers for the determination of all other licensing matters (including but not limited to applications, suspensions, revocations and other enforcement options) except those matters listed under other relevant committees”.*

4. The amendment makes clearer the Sub-Committees power to make any necessary decisions regarding license applications as referred to them and where necessary make determinations relevant to the continued operation of a licence.

### **Implications and Risk Assessment**

5. No negative impacts are associated with this amendment.
6. Positive implications surround having schemes of delegation and terms of reference that are clear to the courts in the event of appeal, and are logical to interested parties.

### **Equalities Impact Assessment**

7. Not applicable – this amendment amounts to a clarification of existing processes and does not raise any impacts/risks.

### **Consultation Planned or Undertaken**

8. Not applicable – this amendment amounts to a clarification of existing processes only.

## **Other Options Considered**

9. Not applicable

## **Reasons for Supporting Option Recommended**

10. To ensure that the schemes of delegation and terms of reference are clear, concise, and defensible in the event of a statutory licensing appeal.

## **Next Steps in Process**

11. Subject to Council approving the recommendation, the Constitution will be amended accordingly.

## **Conclusion**

12. This minor amendment is necessary to ensure that the terms of reference for the committee remain clear, concise, and defensible in the event of statutory appeals.

## **Contact and Email**

13. Trevor Ford  
Environmental Protection and Licensing Team Leader  
[Trevor.ford@ashford.gov.uk](mailto:Trevor.ford@ashford.gov.uk)  
(01233) 330397