

Decision Maker: COUNCIL

Date: 4th June 2014

Decision Type: Non-Urgent Non-Executive Non-Key

Title: MINOR CHANGES TO THE CONSTITUTION

Contact Officer: Graham Walton, Democratic Services Manager
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Chief Officer: Mark Bowen, Director of Corporate Services

Ward: All

1. Reason for report

- 1.1 Council is requested to agree minor changes to the terms of reference of the General Purposes and Licensing Committee and the Development Control Committee in the light of a recent legal judgement to clarify that the Committees may hear individual licensing and town planning cases.
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2. RECOMMENDATION

- 2.1 That Council approves the following proposed clarifications to the responsibilities of the following Committees in Part 3, 2.01, 2.07, 2.08 and 2.09 of the Constitution –

2.01 General Purposes and Licensing Committee –

(m) Licensing matters, *including, where appropriate, determining cases relating to individual licenses*

2.07 Licensing Sub-Committee -

Add “*Concurrently with General Purposes and Licensing Committee*” before 1.

2.08 Development Control Committee -

1. **Planning and Conservation and Building Control.** All of the Council’s powers and duties relating to town and country planning and development control *and building control* as specified in Schedule 1 of the Functions Regulations, *including where appropriate, determining cases relating to individual sites.*

2.09 Plans Sub-Committees

Add “*Concurrently with Development Control Committee*” before 1.

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council:
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Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £367,636
 5. Source of funding: 2013/14 revenue budget
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Staff

1. Number of staff (current and additional): 10 (8.75 fte)
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: None:
 2. Call-in: Not Applicable: This report does not involve an executive decision.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not applicable

3. COMMENTARY

- 3.1 The Council's various licensing functions are discharged by the General Purposes and Licensing Committee. These are non-executive functions as defined by The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and the Local Authorities (Function and Responsibilities) (England) (Amendment) Regulations 2001 and cannot be undertaken by the Executive. Under our current constitution the Committee has 15 members and currently licensing decisions are delegated to sub-committees of 3 members.
- 3.2 Following a recent case (R. (on the application of Bridgerow Ltd) v Cheshire West and Chester BC), a local authority's decision refusing to renew a sexual entertainment venue licence was set aside as, in breach of its constitution, it was taken by a panel of twelve councillors instead of by three members drawn from the full committee. In order to avoid any confusion, it is proposed that a minor amendment to Bromley's Constitution is made to clarify that General Purposes and Licensing Committee can, if it wishes, consider cases relating to individual licenses.
- 3.3 For the avoidance of any doubt, it is proposed that similar changes be made for Development Control Committee and Plans Sub-Committees, and also that a specific reference is made to building control in the Committee's terms of reference.

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| Non-Applicable Sections: | Policy/Legal/Financial/Personnel |
| Background Documents: (Access via Contact Officer) | Constitution of the London Borough of Bromley |