

## Crawley Borough Council

### Minutes of Governance Committee

Tuesday, 13 June 2023 at 7.00 pm

#### Councillors Present:

P K Lamb (Chair)

J Bounds (Vice-Chair)

C M Burke, D Crow, M G Jones, R A Lanzer, T Lunnon, K McCarthy, S Pritchard, T Rana and S Sivarajah

#### Officers Present:

Siraj Choudhury                      Head of Governance, People & Performance

Mez Matthews                        Democratic Services Officer

Anna Pedlow                         Corporate Performance Manager

Chris Pedlow                         Democracy & Data Manager

#### Apology for Absence:

Councillor G S Jhans

#### 1. Disclosures of Interest

No disclosures of interests were made.

#### 2. Minutes

With regard to Minute 4 (Review of the Constitution), and in relation to the discussion on webcasting of formal meetings of the Council, a Committee Member highlighted that an additional option had been suggested, but not been included in the minutes, whereby the recordings of webcast meetings be kept until the end of the next municipal year.

The minutes of the meeting of the Governance Committee held on 13 March 2023 were approved as a correct record and signed by the Chair.

#### 3. Public Question Time

No questions were asked by the public.

#### 4. **Draft Annual Governance Statement 2022/2023**

The Committee considered report [LDS/202](#) of the Head of Governance, People & Performance which requested that the Committee provide any comments on the Annual Governance Statement (“the Statement”) and Governance Action Plan (“the Plan”) for incorporation into the final versions which were due to be endorsed by the Audit Committee at its meeting on 5 September 2023. It was brought to the Committee’s attention that the Statement for 2022/23 concluded that there were no significant governance issues to report.

During consideration of both the Statement and the Plan the Committee raised several comments and queries. In response to those matters the Committee was provided with the following information:

- Follow-up on several Audits from the 2022/23 Plan had not yet been completed and had therefore been carried over into the 2023/24 Plan.
- Unfortunately, due to the publication date of the final Annual Audit Report and Opinion, along with the sequencing of Committees, the final Statement would be considered by the Audit Committee at its meeting on the 5 September 2023, rather than at its meeting in June.
- The aim of the Statement was to demonstrate how the Council has complied with its own code of governance and met Regulations. To ensure that was done effectively it was both necessary for the Statement to be both thorough and detailed.

The Committee expressed its support for both the Statement and the Plan.

#### **RESOLVED**

That the comments made by the Committee be taken into consideration, and that the final versions of the Annual Governance Statement and Governance Action Plan be put before the Audit Committee at its meeting on 5 September 2023 for its endorsement.

#### 5. **Revisions to the Constitution: Licensing Committee Functions**

The Committee considered [joint report](#) HCS/062 of the Head of Community Services and LDS/204 of the Head of Governance, People & Performance which recommended amendments to the Council’s Licensing Committee functions.

The changes were proposed following an audit carried out by the Southern Internal Audit Partnership in the Hackney Carriage and Private Hire application process which identified that an anomalous function was listed within the Licensing Committee functions that conflicted with current practice. Upon further examination by officers, other minor amendments were also being proposed which would ensure there were no unnecessary delays in the determination of cases and associated decisions which would normally be delegated to officers, unless representations (objections) had been received. The proposed changes were detailed in [Appendix A](#) to the report.

The Committee was informed that the proposed changes had been considered by the Licensing Committee at its meeting on [12 June 2023](#) where it had expressed its support for the proposed changes.

The Governance Committee then considered the matter and expressed its support that the proposed changes be made to the Licensing Committee functions.

**RESOLVED**

That the Full Council be recommended to amend the Licensing Committee functions as set out as an appendix to these minutes.

**Closure of Meeting**

With the business of the Governance Committee concluded, the Chair declared the meeting closed at 7.12 pm

**P K Lamb (Chair)**

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## PROPOSED AMENDMENTS TO THE LICENSING COMMITTEE FUNCTIONS

### DECISIONS WHICH WILL BE TAKEN BY THE LICENSING COMMITTEE

All of the responsibilities of the Licensing Committee (detailed in Paragraph 2) are delegated to the Head of Community Services\* except the following which are reserved to the Committee:

Function	Proposed action (i.e. delete, amend, add)	Reason for amendment
a) Review of fees and charges, including the annual review, in respect of functions of the Licensing Committee in order to recover the cost of the service as allowed by statute or where statutory provisions do not apply, by the limits set out in the Budget Strategy.	Delete	To reflect current practice whereby the review or fees and charges are included in the annual Budget and Council Tax report which is considered by Cabinet and approved by the Full Council.
b) Approval of fares for Hackney Carriages.	Retain	
c) Power to review and set fees for Private Hire vehicles, Private Hire Operators and Hackney Carriage vehicles (licences) where objections have been received and not withdrawn.	Retain	
d) Approval of all policy related documents regarding Hackney Carriages and Private Hire Vehicles.	Retain	
e) Approval of the Health and Safety Service Plan.	Delete	Delegated to Head of Community Services as this is a business-as-usual function.
f) Approval of the Food Service Plan.	Delete	Delegated to Head of Community Services as this as this is a business-as-usual function with the FSA largely dictating the content, and who externally audits this.
g) Power to issue licences authorising the use of land as a caravan site ("site licences").	Retain	
h) Power to license the use of moveable dwellings and campsites.	Retain	

Function	Proposed action (i.e. delete, amend, add)	Reason for amendment
i) Power to register pool promoters.	Amend	Would create unreasonable delays in determination. <i>Power to register pool promoters where objections have been received.</i>
j) Power to grant track betting licences and inter-track betting schemes.	Retain	
k) Power to grant permits in respect of premises with amusement machines.	Amend	Would create unreasonable delays in determination. There is also an automatic right to some classes of machines in certain settings and circumstances. <i>Power to grant permits in respect of premises with amusement machines where objections have been received.</i>
l) Power to register societies wishing to promote lotteries.	Amend	Would create unreasonable delays in determination. <i>Power to register societies wishing to promote lotteries where objections have been received</i>
m) Power to keep list of persons entitled to sell non-medicinal poisons.	Delete	This is an administrative function.
n) Power to licence all activities under the Animal animal trainers and exhibitors.	Delete	Delegated to the Head of Community Services within the context of the Animal Activities Licensing Regime
o) Power to grant permission for the provision of services, amenities, recreation and refreshment facilities on highways and related powers.	Delete	Delegated to the Head of Community Services as this is covered within the Street Trading Policy
p) Duty to publish notice in respect to propose the grant of permission under Section 115E of the Highways Act 1980.	Delete	Delegate to the Head of Community Services as the Pavement Licensing regime now covers

Function	Proposed action (i.e. delete, amend, add)	Reason for amendment
		this and could prevent application being determined.
q) Power to set fees for scrap metal dealer sites and mobile collector licences.	Delete	To reflect current practice whereby the review or fees and charges are included in the annual Budget and Council Tax report which is considered by Cabinet and approved by the Full Council.
r) Power to transfer enforcement functions to another enforcement authority under the Smoke-Free (Premises and Enforcement) Regulations 2006.	Retain	
s) Power to consider and license/refuse to license sex establishments in accordance with the Council's policy where objections have been received	Add	Not currently listed as a function.
t) Determination of licences under the Zoo Licensing Act 1981 where objections have been received.	Add	Not currently listed as a function.
u) Determination of applications for licences under the Dangerous Wild Animals Act 1976 where objections have been received.	Add	Not currently listed as a function.
v) Power to license performances of hypnotism where objections have been received.	Add	Not currently listed as a function.
w) Power to license pleasure boats and pleasure vessels where objections have been received.	Add	Not currently listed as a function.

\* NB:

- *The Head of Community Services may further delegate these matters as they see fit.*
- *The Head of Community Services may decline to exercise any of the above functions in a particular case and must then refer the matter promptly to the Committee for consideration.*

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