

Crawley Borough Council

Report to Licensing Committee

12 June 2023

Report to Governance Committee

13 June 2023

Revisions to the Constitution: Licensing Committee Functions

Report of the Head of Community Services and the Head of Governance, People & Performance – HCS/062 / LDS/204

1. Purpose

- 1.1 Following an audit carried out by the Southern Internal Audit Partnership in the Hackney Carriage and Private Hire application process, which is due to conclude shortly, it was identified that an anomalous function is listed within Section 9 of the Council's Constitution (Licensing Committee Functions) that conflicts with current practice.
- 1.2 Upon examination by officers, it has also been identified that there are several other functions delegated to the Licensing Committee which require minor amendments, or sub-delegation to the Head of Community Services, to ensure there are no unnecessary delays in the determination of cases and associated decisions which would normally be delegated to officers, unless representations (objections) have been received.

2. Recommendations

Licensing Committee:

- 2.1 That the Licensing Committee provides its views on the proposed revisions to the Licensing Committee Functions (as per Appendix A).

Governance Committee:

- 2.2 That the Governance Committee, having considered the views of the Licensing Committee, recommends to the Full Council that it amends the Licensing Committee Functions (as per Appendix A).

3. Reasons for the Recommendations

- 3.1 The Southern Audit Partnership has been undertaking an audit of the new driver application process within the Licensing Service and an anomaly was identified within the Licensing Committee Functions which conflicts with decisions that have been delegated to the Head of Community Services in relation to fees and charges where no objections have been received.
- 3.2 The Licensing Committee is required to make decisions on fees and charges when objections have been received. If objections are not received, this is delegated to the Head of Community Services in consultation with the Chair of the Licensing Committee.

- 3.3 Function A (below) has created an unintended conflict which means that all decisions relating to fees and charges for licensing functions are required to be made at Licensing Committee regardless of the receipt of objections.

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.

- 3.4 This has caused some confusion as to when and how a legal decision could be made to increase fees and charges outside of the Budget set at Full Council. The recommendation is to remove function A to retain current practice and to ensure the efficient adjustment of fees and charges can be made without requiring the Licensing Committee to convene each time.
- 3.5 Upon further review of the Constitution, it has been identified that minor amendments are required to ensure that the Licensing Committee is only constituted to make determinations on other application types listed in Appendix A where objections have been received, as those application types where no representations (objections) are delegated to the Head of Community Services, unless they feel the Committee is better placed to make the decision.
- 3.6 It is recommended that other functions listed within the Constitution and highlighted in Appendix A are removed as they are matters which do not relate to licensing, are purely administrative functions or that changes to legislation has meant they no longer require the Committee to consider cases in the same way, for example, pavement licensing.

4. Background Papers

- 4.1 Appendix A – Proposed Amendments to the Licensing Committee Functions
- 4.2 Appendix B – current Licensing Committee Functions (Section 9 of the Council's Constitution)

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