

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Director of Legal and Democratic Services

to
Council

on

22 February 2018

Report prepared by: John Williams
Director of Legal & Democratic Services

Changes to the Constitution

Part 1 - Public Agenda Item

1. Purpose of Report

For the Council to agree minor changes to the Constitution in relation to;

- Part 3 Schedules 2 and 3 – The terms of reference of the Housing Working Party and the Licensing Sub-Committees and the delegations to the Deputy Chief Executive (Place) and/or the Director of Public Protection.
- Part 4g - Contracts Procedure Rules.

2. Recommendations

2.1 That amendments be made to the terms of reference of the Housing Working Party and the Licensing Sub-Committees; and to the delegations to the Deputy Chief Executive (Place) and/or the Director of Public Protection as set out in Appendix 1 and that Schedules 2 and 3 of Part 3 of the Constitution be amended accordingly.

2.2 That amendments be made to Contracts Procedure Rules as set out in Appendix 2 and that Part 4g of the Constitution be amended accordingly.

3. Background

3.1 At Policy and Resources Scrutiny Committee on 31 January 2018 the portfolio holder for Housing, Planning and Sustainability stated that he wished to amend the terms of reference of the Housing Working Party to make specific reference to Homelessness and also to change the name of the Working Party to “The Housing and Homelessness Working Party” (minute 707 refers). I have been asked to draft such changes and submit them to the Council for approval. The changes are shown in Appendix 1.

3.2. It is recommended that some minor changes are made the terms of reference of Licensing Sub-Committees A, B and C as shown in **Appendix 1**:

6.2.3 Bullet point 1 – Make Licensing Sub-Committee C responsible for the licensing of sex establishments.

Convening the full Licensing Committee has proved challenging. Training the full Committee is also difficult and last year 3 different training days had to be arranged to ensure all the Committee were trained.

This proposal was discussed at the last training day for Licensing Committee members and was fully supported.

Also the Council's Licensing Policy already provides for sex establishment licensing to be dealt with by a Sub-Committee

It is essential that the body determining any sex establishment licence is politically proportional. Licensing Sub-Committee C is made up of 9 members drawn from the Licensing Committee and is politically proportional.

It therefore seems appropriate that the determination of sex establishment licences is dealt with by Sub-Committee C as this meets all the legal requirements, would be more manageable in terms of administration and training, whilst retaining a high level of Member involvement.

Incidentally, Westminster City Council which deals with a significant number of licensing applications, has a Sub-Committee of 5.

6.3.3 (x) Delete reference to "Police" as the Licensing Act now allows Environmental Health as well as the Police to make representations on a Temporary Event Notice.

6.3.3 Bullet point 2 – Typographical error, replace "Gaming" with "Gambling".

3.3 It is recommended that one minor change is made to the Delegations to the Deputy Chief Executive (Place) and/or the Director of Public Protection for the purposes of clarification as shown in **Appendix 1**.

3.4 The Procurement Team have carried out a general review of Contracts Procedure Rules in Part 4g of the Constitution and have identified a series of small amendments which are required, including reference to encouraging local supplier spend. The proposed amendments are shown in **Appendix 2**.

4. Background Papers

None

5. Appendices

Appendix 1 – Proposed changes to Schedules 2 and 3 of Part 3 of the Constitution

Appendix 2 – Proposed changes to Part 4g of the Constitution