

Rother District Council

Report to:	Audit and Standards Committee
Date:	28 February 2024
Title:	Amendment to the Constitution – Function of the Licensing and General Purposes Committee
Report of:	Lorna Ford, Chief Executive
Purpose of Report:	To present an amendment to the Constitution for approval and adoption.
Officer	
Recommendation(s):	Recommendation to COUNCIL: That the functions of the Licensing and General Purposes Committee at Part 3 of the Constitution be amended by the removal of the setting of the Hackney Carriage Fares.

Introduction

1. As Members are aware, the responsibility for considering and recommending changes to the Constitution sits with the Audit and Standards Committee (A&SC), as set out in Article 15 of the Constitution.
2. Following a recent publication concerning best practice guidelines for licensing authorities, it is necessary to amend the functions of the Licensing and General Purposes Committee contained within Part 3 of the Constitution.

Change to the Constitution

3. In November 2023, the Department for Transport published Taxi and private hire vehicle licensing best practice guidance for licensing authorities in England. The guidance confirms that, unlike most licensing functions, the setting of fares that hackney carriages licensed by the authority can charge is an executive function and should therefore be determined by Cabinet and not the Licensing and General Purposes Committee.
4. A copy of the full guidance can be found at this link:
[Taxi and Private Hire Vehicle Licensing Best Practice Guidance](#)
5. The Licensing and General Purposes Committee has undertaken this function since the introduction of the Cabinet system in 2001 as it must have been an optional (local choice function) at that time.
6. However, following confirmation within the published guidelines that this is an executive function, the functions of the Licensing and General Purposes Committee requires amendment by the removal of this function, as shown at Appendix A.

Risk Management

7. The Council is required to always have an up-to-date and lawful Constitution available. The risk of having a Constitution that is out of date or not in accordance with legislation / best practice may lead to potential challenge, maladministration and reputational damage. It is important to keep the provisions within the Constitution under review and make appropriate recommendations for change in light of experience and legal advice.

Conclusion

8. Members are asked to recommend the necessary amendment to Council.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	Consultation	No
Environmental	No	Access to Information	No
Risk Management	Yes	Exempt from publication	No

Chief Executive:	Lorna Ford
Report Contact Officer:	Lisa Cooper, Democratic Services Manager
e-mail address:	lisa.cooper@rother.gov.uk
Appendices:	Appendix A – Functions of the Licensing and General Purposes Committee
Relevant previous Minutes:	

5. Licensing and General Purposes Committee

5.1 **Membership:** 12 Members of the Council.

5.2 **Mandatory Licensing and General Purposes Committee Training**

Members appointed to the Licensing and General Purposes Committee must attend mandatory licensing training, as prescribed by Legal Services before being selected to serve on a Licensing Panel. It will also be necessary for Members to attend continuous refresher training as and when provided.

5.3 **Functions and Delegations**

To carry out all of the Council's functions as set out below and take all decisions except those delegated to the officers, provided that:

- (a) Any Member of the Council (who is not a Member of the Committee) may speak at meetings of the Committee on an issue which alone affects the Ward which the Member represents on the Council;
- (b) Any other Member of the Council (who is not a Member of the Committee) may speak at meetings of the Committee only on invitation by the Chair of the Committee;
 - 1. To recommend to Council the adoption of statutory Licensing Policies.
 - 2. To set fees and charges for licences and permits.
 - 3. To adopt standard conditions for licences.
 - 4. To designate consent and prohibited streets for the purposes of street trading.
 - 5. ~~To agree hackney carriage fares.~~
 - 6. Duties and powers in relation to elections and parish councils.
 - 7. Any other duties or powers not being an Executive function or function of another committee.