

**COMMITTEE MEMBER TRAINING**

<b>Final Decision-Maker</b>	Licensing Committee
<b>Lead Head of Service/Lead Director</b>	William Cornall Director of Regeneration and Place
<b>Lead Officer and Report Author</b>	John Littlemore Head of Housing & Community Services
<b>Classification</b>	Public
<b>Wards affected</b>	All

**Executive Summary**

In June 2016, the Licensing Committee considered a report to assist Members and Substitutes of the Licensing Committee (and sub-committees) to understand the importance of completing the training provided by the Council on licensing statute and regulation. This report provides a reminder of the training that must be completed in order for Members to continue to fully participate in the Licensing Committee's business.

**This report makes the following recommendations to this Committee:**

1. That the Committee notes the content of the report and endorses the need for its Membership to be compliant with Maidstone Council's Constitution and the Licensing Committee decision of the 16 June 2016 on the requirements for training.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Licensing Committee	20 September 2018

# COMMITTEE MEMBER TRAINING

## 1. INTRODUCTION AND BACKGROUND

- 1.1 The Licensing Committee and its sub-committees exercise licensing and gambling functions on behalf of the Council. This includes undertaking a variety of duties including gambling functions, licenses in relation to the sale of alcohol and entertainment, making recommendations to the Communities Housing and Environment Committee or Council concerning the adoption of a new Policy Statements, any decisions on Cumulative Impact Policies for the Borough, Late Night Alcohol Levy. Sub-committees are called as required in order to make decisions about individual licensing matters and appeals that are not otherwise delegated to the Head of Housing and Community Services
- 1.2 As this sphere of responsibility is heavily governed by statute and guidance, the discharge of these functions requires that Members and officers have a good understanding of the statutory framework. Licensing, as an area of local authority decision-making, has become a fertile topic for legal challenge.
- 1.3 This emphasizes the importance for Members and officers to be familiar with the legislation in order to make sound decisions. For example, there might be questions during a sub-committee hearing that a layperson might feel are intuitive to ask but in reality are irrelevant to the legal issue at hand. Asking such questions and then relying on the answer to form the decision could expose the Council to challenge in the Courts.
- 1.4 The Council's Constitution (Part 4.5 (c) 'Local Code of Conduct for Officers and Members dealing with licensing matters') requires that:

"The Council has agreed that no Councillor will be able to serve on this Committee without having agreed to undertake a minimum period of training on the policies procedures, legislation and guidance relevant to of this Committee as specified by the Committee. This training should be completed to an agreed level according to an agreed programme within an agreed time period set by the Committee for newly appointed Members and substitute Members of the Committee. If the specified training has not been completed by the due date, the Councillor will cease to be a Member/substitute Member of this Committee until the training has been completed.

The Head of Housing and Community Services will keep a record of the training requirements of this Committee and of Councillors' compliance with the requirements. Existing Members and substitute Members of the Licensing Committee should be updated regularly on changes of legislation and procedures and must receive refresher training on an annual basis. Failure to undertake the refresher training will result in the Councillor ceasing to be a Member/substitute Member of the Committee until the refresher training has been completed."

- 1.5 It was agreed by the Licensing Committee in June 2016 the training outlined in Paragraph 1.6 below should be completed by Members and Substitutes of the Licensing Committee within 6 months of being selected for the Licensing Committee. In addition, the training listed below refreshed every year if required or when statutory or significant guidance changes are made, whichever was the sooner.
- 1.6 A list of the required training to be undertaken is as follows:
- Licensing Act 2003  
Gambling Act 2005  
Hackney Carriage and Private Hire (taxis) Street Trading  
Sex Establishments Scrap Metal Dealers
- To be added:  
Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- 1.7 A training matrix setting out the current position with regard to Licensing Committee Members and Substitute Members has been provided to each Member of the Committee and their Group Leaders. It is noted that a number of Licensing Committee Members will need to complete refresher training by the end of the municipal year. However, two Members will be ineligible to take part in Licensing Committee matters if they have not completed the introductory training before the end of October 2018.
- 1.8 The situation regarding substitute Members for colleagues on the Committee is more challenging. Of the 13 Substitute Members, only half are able to take part in Committee business unless the introductory training is completed by the end of October 2018; and the remaining Substitutes will require refresh training by the end of the municipal year.

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## **2. AVAILABLE OPTIONS**

- 2.1 To ensure lawful decisions are made and to minimise the risk of challenge to decisions taken by the Licensing Committee and its sub-committees, Members and officers must demonstrate an acceptable level of training has been received and maintained.
- 2.2 The Licensing Committee could decide not to follow the recommendation in the report but to do so place the Council at unnecessary risk, both reputational and financial through costs awarded at appeals that are lost due of the lack of robust decision-making.

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## **3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 3.1 The preferred option is to approve the option set out in Paragraph 2.1, as this will comply with the Council's Constitution and ensure that Members keep up to date with relevant statute and regulation in order to make sound

decisions. This will help reduce the risk of successful challenges to decisions that could then result in reputational damage to the Council, loss of confidence by external stakeholders and businesses, and significant costs from court cases.

#### 4. RISK

4.1 This is set out in the options above.

#### 5. CROSS-CUTTING ISSUES AND IMPLICATIONS

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	By providing robust decisions the Licensing Committee promotes "Keeping Maidstone an attractive place for all"	Head of Housing & Community Services
<b>Risk Management</b>	Ensuring that Members have undertaken the appropriate training will help to reduce the risk of challenge to decisions made by the Licensing Committee and its sub-committees	Head of Housing & Community Services
<b>Financial</b>	None	
<b>Staffing</b>	None	
<b>Legal</b>	Training in the required fields of expertise will help to ensure that good quality decisions are made by the Committee. See risk management.	Head of Housing & Community Services
<b>Privacy and Data Protection</b>	None	
<b>Equalities</b>	Up to date training will ensure that decisions are taken having due consideration to equality issues and persons with protected characteristics	Head of Housing & Community Services
<b>Crime and Disorder</b>	See above	Head of Housing & Community Services
<b>Procurement</b>	None	

## **6. REPORT APPENDICES**

- None
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## **7. BACKGROUND PAPERS**

- 7.1 Licensing Committee report June 2016 - "Licensing Committee Roles and Responsibilities"