

**NORTH LINCOLNSHIRE COUNCIL**

**COUNCIL**

**CONSTITUTIONAL REVIEW OF COMMITTEE TERMS OF REFERENCE**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 For Council to consider approving amendments to Committee Terms of Reference contained within the Constitution following a review undertaken as part of the periodic review of the Constitution.

**2. BACKGROUND INFORMATION**

- 2.1 The Constitution is an evolving document and is periodically reviewed to ensure it remains legislatively compliant and accords with best practice.
- 2.2 As part of the review process, the opportunity has been taken to review Committee Terms of Reference to ensure that they accord with legislative change and best practice but also to incorporate locally determined changes arising from the Council's governance requirements as detailed below. Save for these matters, only minor amendments have been made to the existing Terms of Reference, which are attached at Appendix 1, with the changes shown in bold.

**Audit Committee**

Following a review of the Council's whistleblowing policy, to include in the Audit Committee's Terms of Reference the requirement to receive an annual report on whistleblowing activity within the Council.

**Humber and North Yorkshire Joint Health and Overview and Scrutiny Committee (JHOSC)**

Following a report to, and recommendation of, the Health Scrutiny Panel on 13 April 2022 to incorporate into the Constitution Terms of Reference to establish a JHOSC. This follows extensive work across the sub-region to put in place appropriate governance arrangements following the transition from Clinical Commissioning Groups to Integrated Care Systems, and to enable the JHOSC to respond, in

summary, to statutory consultations on major developments or variations to local health provision. The proposed Terms of Reference are included in Appendix 1 and will be inserted into Part D of the Constitution: Overview and Scrutiny Procedure Rules, whereas the other Terms of Reference will be inserted into Part C of the Constitution: Responsibility for Functions.

2.3 As the Committee Terms of Reference form part of the Council's Constitution, Council's approval to the amendments is sought so they can be incorporated into the Constitution.

2.5 Work continues to update the Constitution, under officer delegations, following completion of phase 2 of the senior management review alongside minor revisions to the budget and policy framework rules following changes to the Local Authorities (Standing Orders) (England) Regulations 2001.

### **3. OPTIONS FOR CONSIDERATION**

3.1 Option 1: To approve the revised Committee Terms of Reference as detailed at Appendix 1 of this report.

3.2 Option 2: Not to approve the revised Committee Terms of reference as detailed at Appendix 1 of this report.

### **4. ANALYSIS OF OPTIONS**

4.1 Option 1: To approve the revised Committee Terms of Reference would mean that they keep pace with legislative change, best practice and local governance requirements.

4.2 Option 2: Not to approve the revised Committee Terms of Reference would mean that they do not accord with best practice and legislative change or accommodate local governance requirements.

### **5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g., LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)**

5.1 There are no financial or resource implications arising from this report.

5.2 The review of the Committee Terms of Reference has been externally validated by specialist public sector solicitors.

5.3 The revised Committee Terms of Reference will be inserted into the Constitution which can be found [here](#)

**6. OTHER RELEVANT IMPLICATIONS (e.g., CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)**

6.1 No other relevant implications have been identified arising from this report.

**7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)**

7.1 An Integrated Impact Assessment is not required for this report.

**8. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

8.1 No conflicts of interest have been declared or identified arising from this report.

**9. RECOMMENDATIONS**

9.1 Council approves Option 1 of this report; and

9.2 Council approves the [Constitution](#) and to it being updated with the revised Committee Terms of Reference as detailed in Appendix 1.

**MONITORING OFFICER**

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Date: 28 April 2022

**Background Papers used in the preparation of this report:**

Minute 3 of the Deputy Leader – Adults and Health cabinet member 24 January 2022

Minute 614 of the Health Scrutiny Panel 13 April 2022

Local Authorities (Standing Orders) (England) Regulations 2001.

North Lincolnshire Council [Constitution](#)

## **PART C - RESPONSIBILITY FOR FUNCTIONS**

### **C1.02 RESPONSIBILITY FOR COUNCIL FUNCTIONS**

The Council will appoint the following Committees, with membership, terms of reference and delegations as shown:-

#### **LICENSING COMMITTEE - TERMS OF REFERENCE**

##### **Advisory**

- (a) To receive the outcome of consultations required to be carried out under section 5 of the Licensing Act 2003 and recommend to the council any revision to the local statement of licensing policy as a result of such consultation. The statement of licensing policy shall be reviewed at least every three years and revisions made and published at such times as considered appropriate.
- (b) To recommend to council any revisions to the Statement of Principles: Gambling following required consultations in accordance with section 349 of the Gambling Act 2005. The statement shall be reviewed at least every three years and revisions made and published at such times as considered appropriate.

##### **Delegated**

- (a) To exercise the functions of the council as the licensing authority for the purposes and requirements of the Licensing Act 2003. To delegate these functions, where appropriate, to the Licensing Activities Sub-Committee or Director: Economy and Environment in accordance with the above legislation, and as defined and detailed in the statement of licensing policy in accordance with guidance issued by the Secretary of State (sections 3 to 10 of the above Act refers).
- (b) To promote the four licensing objectives as defined in section 4 of the Licensing Act 2003
  - the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance and
  - the protection of children from harmwhilst carrying out its functions and those delegated to the Licensing Activities Sub-Committee.
- (c) To comment on any draft guidance and respond to any consultation documents issued by the Secretary of State.
- (d) To exercise the functions of the Council as the licensing authority for the purposes and requirements of all other relevant legislation, including that relating to acupuncture and body piercing, animals and

pet shops, betting, gaming and lotteries, hackney carriage and private hire vehicles (taxis), house to house and street collections, street trading consents, public entertainment, and sex establishments (Please note this list is not exhaustive). To delegate these functions to the Director: Economy and Environment (see Scheme of Delegations to Officers) or to the Licensing (Miscellaneous) Sub-Committee to determine the grant, renewal, variation, transfer or revocation of any licence, permit, consent, permission, registration, certificate or other like document under such legislation. To set and review appropriate licensing conditions.

- (e) To set and amend fees and charges for licences, consents and other permissions, together with hackney carriage and private hire tariffs.
- (f) To set and review standard conditions attached to licences, consents and other permissions where applicable.
- (g) To set and review procedures for giving required notices and determining applications for licences, consents or other permissions at meetings of the Committee and its Sub-Committees.
- (h) To determine the action to be taken as regards general relevant licensing issues including new/revised legislation, regulations, codes of practice or circulars. (This would include reviewing delegated powers to take account of any changes to legislation.)
- (i) To set the fees for gambling premises in accordance with paragraph 3.2 of the report of the Director of Neighbourhood and Environmental Services of 7 November 2006.
- (j) To determine applications for small lotteries in accordance with paragraph 3.5 of the report of the Director of Neighbourhood and Environmental Services of 7 November 2006.

### **Membership**

10 members of the Council

### **LICENSING (ACTIVITIES) SUB-COMMITTEE**

#### **Delegated**

- (a) To determine any application made under the Licensing Act 2003 as defined and detailed in the statement of licensing policy in accordance with guidance issued by the Secretary of State.
- (b) To consider any revocation or refusal of registration of applications for small lotteries.

#### **Membership**

3 members of the Licensing Committee

### **LICENSING (MISCELLANEOUS) SUB-COMMITTEE**

#### **Delegated**

- (a) To determine any appropriate applications in accordance with other relevant legislation as set out in paragraph (d) of the Committee's Terms of Reference above.
- (b) To determine applications where the number of machines exceeds the number as stated in paragraph 3.2 of the report of the Director of Neighbourhood and Environmental Services submitted to the Licensing Committee on 6 April, 2006.

#### **Membership**

5 members of the Committee

#### **Delegations**

See Scheme of Delegations to Office