
REPORTS FROM THE EXECUTIVE AND COMMITTEES TO COUNCIL

REPORT OF THE STANDARDS COMMITTEE

1 REPORT OF THE STANDARDS COMMITTEE WORKING GROUP

- 1.1 This item of business was referred by the Standards Committee on 17 September 2020 to Council with recommendations relating to individual training courses and licensing & appeals training. An extract of the key elements of the report of the Working Group to the Standards Committee is attached at Appendix 1.
- 1.2 It was noted, during debate of this item, that there had been cases, in respect of approving individual Member requests for ad hoc training courses, when one of the Group Leaders had not agreed to support training requests without providing reasons for this. It was suggested that specific reasons should be given for approval or refusal of training requests, such as on the basis of the benefit to the Council and that those Members attending individual training courses should provide feedback on such training within three months of attendance at such courses.
- 1.3 Some Members expressed the opinion that licensing and appeals training should be mandatory for Members of the Licensing & Appeals Committee while others considered that Committee Members should be encouraged to attend at least one of either appeals or licensing training courses each year. There was discussion around the possibility of offering additional appeals and licensing training to Members of the Committee and, given current staffing capacity issues, it was suggested that any additional training be offered, subject to offer capacity or availability of suitable, externally sourced training.
- 1.4 In response to a point made by the Chairman of the Working Group that the suggested procedure appended to the report would ensure a fair process for Member participation in appeals and licensing hearings, it was emphasised by officers that the current system was working well.

2 RECOMMENDATION

- 2.1 It is proposed that Council **RESOLVES**
 - (1) That the current arrangements for funding attendance for individual Members of the Council at external training or conferences be confirmed, with the addition of the requirement for the Member to provide feedback (either written or verbal) within three months of attending to the rest of the Council, as follows:-

“That an amount of up to £1,500 be identified each year out of the Member training budget for individual Members to be able to request attendance at external conferences/training courses, the allocation of

such training to be subject to the agreement of a majority of Group Leaders. The reason for refusal or acceptance would be on the basis of the benefit to this Council and financial considerations”.

- (2) That the Licensing and Appeals Committee training be similar to that of Development Committee training. One course to be offered for licensing training (daytime and evening). One course to be offered for taxi appeals training (daytime and evening). A further course or one to one training on both subjects to be offered if officer capacity permits or externally resourced, if suitable. Details of further courses to be determined by the Chairman of the Standards Committee and the Chairman of the Working Group. Members of the Licensing & Appeals Committee should attend at least one training session – but are encouraged to attend both – each municipal year by the end of September in that municipal year.
- (3) That suggested guidelines for the organisation of premises licensing hearings and taxi licensing hearings be as attached to this report.

If you would like this report in large print, Braille or another language please contact 01702 318111.

REPORT OF THE STANDARDS WORKING GROUP

1 MEMBER TRAINING ARRANGEMENTS

- 1.1 Following a series of meetings to formulate the Member training programme for 2020/21, the Working Group has the following recommendations it would like the Committee to consider.

Arrangements for Minimum Attendance Percentage at Training Courses

- 1.2 The Group wished to confirm the current arrangements (see recommendation below).

Individual Training for Councillors

- 1.3 The Group wished to confirm the current arrangements and to add the requirement that Members attending training provide feedback to other Members, either written or verbal (see recommendation below).

Licensing and Appeals Committee Training

- 1.4 The Group considered the procedure for the organisation of premises licensing hearings and taxi licensing appeals and proposed some adjustments.
- 1.5 The Group considered whether hearings could be scheduled for later in the morning or in the afternoon on occasion to allow more Members to participate. Members were advised that this would be on a case by case basis. Depending on the type of hearing there may be other parties involved, such as legal representatives, Police, fire and environmental health officers, which may not make this practicable.
- 1.6 The Group considered a procedure note for current administrative arrangements for selecting trained Members to sit on hearings. The Group suggested that the procedure be formalised and some additional steps in the procedure be added with officers leaving messages for Members to call back the next day if Members weren't around to answer calls (see attached).

2 WORKING GROUP RECOMMENDATION

- 2.1 It is proposed by the Working Group that the Committee **RESOLVES**

That the current arrangements for minimum attendance at training sessions (excluding planning, licensing and appeals training) be confirmed, as follows:-

“That in respect of non-mandatory training, where two sessions of training are offered and fewer than 25% of Members (including Parish/Town Council representatives) are booked to attend, officers consider amalgamating the two

and running just the session that has the greater number of Members booked to attend. Affected Members to be advised that only one session would run.

2.2 It is further proposed by the Working Group that the Committee

RECOMMENDS TO COUNCIL

- (1) That the current arrangements for funding attendance for individual members of the Council at external training or conference be confirmed, with the addition of the requirement for the Member to provide feedback (either written or verbal) to the rest of the Council, as follows:-

“That an amount of up to £1,500 be identified each year out of the Member training budget for individual Members to be able to request attendance at external conferences/training courses, the allocation of such training to be subject to the agreement of all Group Leaders.

That, following the conference/course, the Member be required to provide feedback (either written or verbal) to the rest of the Council.”

- (2) That Licensing and Appeals Committee training be similar to that of Development Committee training. One course to be offered for licensing training (daytime and evening). One course to be offered for taxi appeals training (daytime and evening). A further course or one to one training on both subjects to be offered as needed. Details of further courses to be determined by the Chairman of Standards Committee and Chairman of the Working Group. Members of the Licensing & Appeals Committee must attend at least one training session – but are encouraged to attend both – each municipal year by the end of September in that municipal year.
- (3) That the procedure for the organisation of premises licensing hearings and taxi licensing appeals be as attached to this report.

Proposed Procedure for the organisation of premises licensing hearings and taxi licensing appeals

Hearings have to take place during the daytime, to accommodate external participants including, for example, legal representatives, Police officers). Hearings could potentially take place over a morning or an afternoon and would therefore ideally start no later than 10.00 am for a morning hearing or no later than 2.00 pm for an afternoon hearing. The hearings are usually preceded by a pre-briefing of 30 minutes (although, rarely, this may need to be longer for any complex cases). In order to maximise the number of Members able to attend hearings officers will explore both options with Members and external parties. Where practicable consideration will also be given to later starting times in the morning and/or earlier afternoon sessions i.e. 11.00 am or 1.00 pm

- 1) A check is made of which Members have completed the relevant training.
- 2) In the case of hearings under the Licensing Act 2003 Members whose ward falls within the application site are excluded.
- 3) In the case of taxi driver appeal hearings, Members employed as taxi drivers are excluded.
- 4) A check is made of which Members attended the last hearing/s; contact priority is given to those Members in order of non-participation.
- 5) Members are contacted by telephone to check availability on the required hearing date/s. (If officers have a mobile number as well as a landline number, they will try both and will also leave text messages as well as voicemail messages.)
- 6) If a Member does not answer the telephone, a message is left requesting a call back as soon as possible but by 10.00am the following day at the latest. Another Member who has not attended a recent hearing is contacted by telephone and the process is repeated until officers are sure that at least 3 Members will be available. Priority will be given to the first 3 Members called, and subsequent Members will be advised that their attendance will be confirmed the following day at the latest by 11.00am. See example below at 10.
- 7) If a Member does not answer the telephone, a message is left requesting and another Member who has not attended a recent hearing is contacted by telephone.
- 8) It is not always possible to identify a Reserve Member, usually due to Members' commitments – the nature of the hearings calls for hearings to be called very promptly (see below for details of statutory deadlines).

9) For any subsequent hearings, any Members who were identified as not having participated in the last hearing/s but who didn't respond to contact by phone or weren't available to participate in a hearing (as mentioned above) are given priority to be approached first.

10) Example

First Call – available

Second Call – message left

Third Call – message left

Fourth Call – unavailable

Fifth Call – available – asked to keep date until heard from 2 & 3

Sixth Call – available – asked to keep date until heard from 2 & 3

Second Member calls back – available

Third Member calls back (or does not) unavailable

Panel will consist of First Member called, Second Member and Fifth Member called. If a reserve is needed this will be the Sixth Member.

Statutory Deadlines for Premises Licensing Hearings

Cancellation of interim authority notice following a police objection	5 working days
Temporary event notice	7 working days
Review of a premises licence	10 working days
Determination of application for conversion of existing licence	10 working days
Personal licence	10 working days
New Premises licence	20 working days
Variation of a Premises licence	20 working days