



## City of Westminster

# Joint Report to Committees

**Date:** 17 May 2017

**Classification:** For General Release

**Title:** Constitutional Matters for Standing Committees

**Report of:** The Chief Executive

**Wards Involved:** Not applicable

**Policy Context:** Management of the Council

**Financial Summary:** None

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## 1. Summary

- 1.1 This report is submitted to allow the relevant Committees to appoint Sub-Committees, where necessary, and to review the proportional division of seats on their respective Sub-Committees. Details of these are set out in the specific recommendations addressed to each of the Committees referred to below.
- 1.2 The procedures for this meeting are set out in Standing Order 2 (4), which allows for the all the recommendations before the Committees to be taken together and for the meeting to be conducted by the Chief Executive.

## 2. Recommendations

### Adults, Health and Public Protection Policy and Scrutiny Committee

1. That the Committee confirm the proportional division of seats on the Sub-Committee listed below:

Sub-Committee	Members	Proportionality	
		Cons	Labour
Health Urgency	3	2	1

### **Audit and Performance Committee**

That the Committee confirm the proportional division of seats on the Sub-Committees listed below:

<b>Sub-Committees</b>	<b>Members</b>	<b>Proportionality</b>	
		<b>Cons</b>	<b>Labour</b>
Audit and Performance Urgency	3	2	1
Appointments	4	3	1
Staff Appeals	3	2	1

### **General Purposes Committee**

That the Committee confirm the proportional division of seats on the Sub-Committees listed below:

<b>Sub-Committee</b>	<b>Members</b>	<b>Proportionality</b>	
		<b>Cons</b>	<b>Labour</b>
General Purposes Urgency	3	2	1
Education (Awards) Appeals	4	3	1

### **Pension Fund Committee**

That the Committee confirm the proportional division of seats on the Sub-Committee listed below:

<b>Sub-Committee</b>	<b>Members</b>	<b>Proportionality</b>	
		<b>Cons</b>	<b>Labour</b>
Pension Fund Urgency	3	2	1

### **Planning and City Development Committee**

That the Committee confirm the appointment of the Planning Applications Sub-Committees with the terms of reference attached as Appendix A and the proportional division of seats on the Sub-Committee listed below:

<b>Sub-Committees</b>	<b>Members</b>	<b>Proportionality</b>	
		<b>Cons</b>	<b>Labour</b>
Planning Applications	4	3	1

That the Committee confirm the appointment of the Licensing Sub-Committees Nos 1 to 5 and the Licensing Sub-Committee No 6 with the terms of reference attached as Appendix B (i) and B (ii) and

### **Licensing Committee**

	<b>Sub-Committees Proportionality</b>	<b>Members Cons</b>	<b>Labour</b>
Sub-Committees 1 to 5	3	(see paragraph 3.3 below)	
Sub-Committee No 6	3	2	1

### **3. Background Information**

- 3.1 Under statutory regulations, Committees are required to review at least annually the proportional division of seats on their Sub-Committees. This applies to all Sub-Committees including those of the regulatory Committees and to the formal Sub-Committees of Policy and Scrutiny Committees. Memberships are set out as Appendix A to the report (agenda item 4) on the Council agenda.
- 3.2 The Council, on 3 May 2017, agreed that the Planning Applications Committee would become Sub-Committees of the Planning and City Development Committee. The terms of reference of these are identical to those of the current Planning and City Development Committees and are attached here for approval by the Planning and City Development Committee (Appendix A).
- 3.3 As part of the same report the Council, on 3 May, also agreed that an additional Sub-Committee of the Licensing Committee be established. The Licensing Sub-Committees Nos 1 to 5 are not required to be strictly proportional, as they deal exclusively with functions under the Licensing Act 2003 and the Gambling Act 2005. Licensing Sub-Committee No 6 will in addition also deal from time to time with licensing functions other than other under the Licensing Act 2003 and the Gambling Act 2005. In these circumstances therefore the proportionality rules apply. The Licensing Committee is asked also to approve the appointments of these Sub-Committees and the revised terms of reference, attached as Appendix B (i) and B (ii).

### **4. Legal Implications**

- 4.1 The proportional allocation of Sub-Committee places set out in this report conforms to the Proportionality Rules more fully referred to in the report, Item 4, to the Annual Council meeting.

If you have any queries about this report or wish to inspect any of the background papers please contact Mick Steward on 020 7641 3134; Fax No: 020 7641 2042; Email: [msteward@westminster.gov.uk](mailto:msteward@westminster.gov.uk)

### Background Papers

- Constitution

### **Appendices**

Appendix A Terms of Reference of the Planning Applications Sub-Committee Nos 1 to 4

Appendix B (i) Terms of Reference of the Licensing Sub-Committee Nos 1 to 5

Appendix B (ii) Terms of Reference of the Licensing Sub-Committee No 6

**PLANNING APPLICATIONS SUB-COMMITTEE (X 4)**

**CONSTITUTION**

4 Members of the Council (3 Majority Party Members and 1 Minority Party Member)

The Committee is responsible, if asked, for advising the Cabinet or the Cabinet Member for Built Environment on planning policy matters which are the domain of the executive.

**TERMS OF REFERENCE**

- (1) The making and issuing within the policy context determined by the Council, of decisions on applications for permission, notices and deposit of plans under the Planning Acts, the Building Act 1984, the London Building Acts, the London Squares Preservation Act 1931 and any Local Act requiring decisions relating to planning and building control functions, to the extent that these are Non-Executive functions.
- (2) To review planning briefs and recommend any changes to the Cabinet Member for Built Environment for consideration.
- (3) Authorisation of
  - (a) agreements and undertakings under Section 106 and 299A of the Town and Country Planning Act 1990, Section 16 of the Greater London Council (General Powers) Act 1974, Section 33 of the Local Government (Miscellaneous Provisions) Act 1972 and where required in connection with planning applications, Section 278 of the Highways Act 1980, and the release of such obligations;
  - (b) notices, orders (including the confirmation of) Tree Preservation Orders, Directions Certificates and Grants under the Planning Acts;
  - (c) rights of entry under the Planning Acts, the Building Act 1984, the London Building Acts and any such rights conferred by other legislation where incidental to functions under these Acts;
  - (d) the carrying out of works and the recovery of costs in default of compliance with Notices issued or served under the Planning Acts London Building Acts and Building Act 1984;
- (4) Within the policy context determined by the Council and the Cabinet Member for Built Environment, to exercise the functions of the Council under the Town and Country Planning (Control of Advertisements) Regulations.

- (5) To approve highway works, highway amenities, Highways matters relating to approved development, the dedication of land for highway purposes and the stopping up or diversion of highways and any necessary traffic orders in connection with planning applications or the implementation of permissions resulting from such applications subject to the whole of any cost involved being payable by developers and secured by Agreement.
- (6) To determine matters referred by officers under Part 8 (High Hedges) of the Anti-Social Behaviour Act 2003.

**LICENSING SUB-COMMITTEE NOS 1 TO 5**

1. CONSTITUTION

3 Members of the Licensing Committee

2. TERMS OF REFERENCE

LICENSING ACT 2003

Personal Licences

1. To consider applications for a personal licence, where a representation has been made and the Cabinet Member for Public Protection and Licensing has asked that the application be referred to a Licensing Sub-Committee for determination.
2. To consider applications for a personal licence in cases where the applicant has unspent criminal convictions.

PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

3. To consider applications for premises licences/club premises certificates where a representation has been made.
4. To consider applications for provisional statement where a representation has been made.
5. To consider applications for the transfer of a premises licence where a representation by the Police has been made.
6. To consider applications for interim authorities where a representation by the Police has been made.
7. To consider reviews to premises licences/club premises certificates where these have been requested by the relevant authority in accordance with the relevant regulations.

GAMBLING ACT 2005

To consider applications, submitted in accordance with the Gambling Act 2005.

TEMPORARY EVENT NOTICES

8. To determine a Police representation in respect of a temporary event notice.

**LICENSING SUB-COMMITTEE NO 6**

1. CONSTITUTION

3 Members of the Licensing Committee. Two Majority Party Members and one Minority Party Member.

2. TERMS OF REFERENCE

LICENSING ACT 2003

Personal Licences

1. To consider applications for a personal licence, where a representation has been made and the Cabinet Member for Public Protection and Licensing has asked that the application be referred to a Licensing Sub-Committee for determination.
2. To consider applications for a personal licence in cases where the applicant has unspent criminal convictions.

PREMISES LICENCES AND CLUB PREMISES CERTIFICATES

3. To consider applications for premises licences/club premises certificates where a representation has been made.
4. To consider applications for provisional statement where a representation has been made.
5. To consider applications for the transfer of a premises licence where a representation by the Police has been made.
6. To consider applications for interim authorities where a representation by the Police has been made.
7. To consider reviews to premises licences/club premises certificates where these have been requested by the relevant authority in accordance with the relevant regulations.

GAMBLING ACT 2005

To consider applications, submitted in accordance with the Gambling Act 2005.

TEMPORARY EVENT NOTICES

8. To determine a Police representation in respect of a temporary event notice.



## OTHER LICENSING FUNCTIONS

9. The grant, approval, review, refusal, revocation, renewal, transfer or variation of any licence, registration, certificate, consent, permit, approval or permission, except where such function is within the terms of reference of another committee or sub-committee; body;
10. Without prejudice to the powers delegated to officers, and to the Licensing Officers' Panels, to hear and determine applications and appeals where there is a right to be heard;
11. Procedures for the conduct of business at the Officer Panel and the Licensing Sub-Committee, including all matters in respect of processing applications.
12. Operational matters in respect of licensing functions within the terms of reference of the Sub-Committee;
13. The approval of commodity guidelines in markets;
14. The designation, de-designation and variations to designations of street trading pitches;
15. The amendment of rules of management and standard conditions;
16. To consider and hear representations in respect of fees and charges and to determine the amounts thereof;
17. The consideration of all matters applications in respect of the minor licensing functions eg Pedlars Act and Nurseries Act; which have not been the subject of delegations to Officers;
18. To authorise a later hour in substitution for 12 midnight in Bylaw 3(2) of the Pleasure Fairs (Amusement Premises) Bylaws.