

Licensing Committee Member Training

Final Decision-Maker	LICENSING COMMITTEE
Lead Head of Service	John Littlemore Head of Housing & Regulatory Services
Lead Officer and Report Author	John Littlemore Head of Housing & Regulatory Services
Classification	Public
Wards affected	All

Executive Summary

This report sets out the training programme for the municipal year and asks Licensing Committee to approve the content and time for completion of the training for new Committee Members and those wanting to be substitutes.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. That the content of the training as set out in Paragraph 2.4 of the report be agreed.
2. That all new Members of the Licensing Committee and those wanting to be substitutes should complete the training by 31st October 2022.

Timetable

Meeting	Date
Licensing Committee	13 October 2022

Licensing Committee Member Training

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>Accepting the recommendations will materially improve the Council's ability to achieve the Council's priorities by ensuring that Members are suitably trained to undertake the statutory functions associated with the Licensing Committee.</p>	Head of Housing & Regulatory Services
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendations support the achievement of the cross-cutting objectives.</p>	Head of Housing & Regulatory Services
Risk Management	Already covered in the risk section and options paragraphs.	Head of Housing & Regulatory Services
Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Section 151 Officer & Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Head of Housing &

		Regulatory Services
Legal	Accepting the recommendations will fulfil the Council's duties under Part VII of the Localism Act 2011 and the Council's Constitution. It will ensure Members receive training to allow them to make robust decisions on licensing matters in accordance with the relevant legislation, policies and guidance. Failure to accept the recommendations without agreeing suitable alternatives may place the Council in breach of the Council's Constitution.	Helen Ward, Lawyer (Contentious), Mid Kent Legal Services 22 August 2022
Privacy and Data Protection	Accepting the recommendations will have no direct impact on the volume of data held by the Council. We will hold that data in line with our retention schedules.	Policy and Information Team
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities & Communities Officer
Public Health	We recognise that the recommendations will have a positive impact on population health or that of individuals.	Head of Housing & Regulatory Services
Crime and Disorder	The recommendations will have a positive impact on Crime and Disorder.	Head of Housing & Regulatory Services
Procurement	Not applicable	Head of Housing & Regulatory Services
Biodiversity and Climate Change	No direct implications	Head of Housing & Regulatory Services

2. INTRODUCTION AND BACKGROUND

2.1 Each municipal year Members of the Licensing Committee are asked to consider their training programme for the forthcoming year.

2.2 The Council's Constitution states:

2.2.1 "No Member will be able to serve on this (Licensing) Committee without having agreed to undertake a minimum period of training on the policies, procedures, legislation and guidance relevant to this Committee as specified by the Committee. This training must be completed to an agreed programme set by the Committee annually with a due date for completion. New Members must receive training, but the programme may include no training provision for experienced Members if there have been no relevant changes to legislation, policies or guidance.

2.2.2 If a Member has not completed the specified training by the due date, the Member 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 Members' compliance with the requirements."

2.3 The last update was presented to the Licensing Committee in 2021, when live training was impacted by the continuing pandemic. Since that time, it is now possible to resume training in person. This is the preferred method, as it provides a better environment in which questions can be asked and shared learning encouraged.

2.4 In discussion with Mid Kent Legal Services, an in-house training programme will be offered that will cover the wide range of topics that Licensing Committee Members are likely to experience. The training on offer will comprise:

- Provision of a 3-hour training session
- Topics covered will include Licensing Act 2003, Taxi & Private Hire Vehicle Legislation, Gambling Act 2005 and Miscellaneous licensing hearings
- Training materials are provided during the session

2.5 The 3-hour training session will be offered either as an afternoon (e.g. 2:00pm – 5:00pm) or an evening (from 6:00pm – 9:00pm). The sessions can be on different days if that is felt to be helpful.

2.6 The sessions will be delivered before the end of October 2022 and all new Members to the Licensing Committee will be expected to have undertaken the training, in line with the requirements of the Constitution.

2.7 The need for currently trained Members of the Licensing Committee to attend training was discussed with the Legal Services but as there has been no significant change in legislation, regulation or case law it was felt this would be unnecessary for this municipal year. This decision does not preclude existing trained Members from attending the training and they can do so if they wish.

2.8 Due to the change in Constitution, there are no longer named substitute Members for the Licensing Committee. The onus is therefore on Members who feel they may want to act as a substitute Member for either the

Licensing Committee or its Sub-Committees to ensure they have completed the required training. A failure to do so may render the Member unable to participate in the Committee's business.

- 2.9 If neither in-house training dates are convenient, it might be possible for a Member to receive training from a recognised body such as the Local Government Association or Chartered Institute of Licensing. However, such training will need to be undertaken and evidenced before the end of October 2022.
- 2.10 It is noted that training given by external providers may not cover the whole range of training that will be delivered by the in-house training session. When this occurs, the Member will only be able to take part in matters that have been covered by the relevant training.
- 2.11 The Head of Housing & Regulatory Services will continue to maintain a register of training undertaken by Members in conjunction with the Democratic Services Officer for the Licensing Committee. The register is available on request.
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3. AVAILABLE OPTIONS

- 3.1 The Licensing Committee could decide not to accept the recommendations but to do so would render it non-compliant with the Council's Constitution and may increase the risk of its decisions being subject to Judicial Review if it cannot be demonstrated that the Licensing Committee is making decisions from a well-informed position.
- 3.2 Accepting the recommendations will enable Members of the Licensing Committee to meet the requirements of the Local Code on Licensing Matters in the Council's Constitution. Having an appropriate training programme manages the risk of challenge to a Committee's decisions – this is particularly relevant for regulatory decisions.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is set out in Paragraph 3.2 above.
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5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Each municipal year the Committee agrees the training programme. In recent years, the format has largely been dictated by external events and the restrictions imposed to combat the pandemic. The training can now resume in an in-person format, which Members have previously expressed a preference for.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Once the Committee has agreed the training programme for the new municipal year, Members of the Committee and those wanting to act as a substitute will be provided with the training dates and deadline for completion.
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8. REPORT APPENDICES

- 8.1 None
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9. BACKGROUND PAPERS

- 9.1 None