

Licensing Act 2003 – Proposed Changes to Constitutional Arrangements and Members' Allowances

RECOMMENDATIONS

- 1.1 To approve the proposed constitutional arrangements to enable the Council to implement its new duties and powers under the Licensing Act 2003.
- 1.2 To dissolve the Licensing and Appeals Committee, Licensing Sub Committee A and Licensing Sub Committee B.
- 1.3 To establish a General Licensing Committee and General Licensing Sub Committee with the following terms of reference and delegated powers:

General Licensing Committee

Will, within Council policies and in relation to licences that cover alcohol, regulated entertainment, public entertainment, late night food takeaways, theatres, cinemas and other licences granted under the Licensing Act 2003, Local Government (Miscellaneous Provisions) Act 1982, Late Night Refreshment Houses Act 1969, Theatres Act 1968 and Cinema Act 1985.

- Take decisions relating to licensing and appeals functions that would fall within the definition of key decisions if these were executive functions
- Make proposals to Council about policy matters relating to these functions
- Approve arrangements for meetings of the General Licensing Sub Committee.

General Licensing Sub Committee

Will, within Council policies and in relation to licences that cover alcohol, regulated entertainment, public entertainment, late night food takeaways, theatres, cinemas and other licences granted under the Licensing Act 2003, Local Government (Miscellaneous Provisions) Act 1982, Late Night Refreshment Houses Act 1969, Theatres Act 1968 and Cinema Act 1985.

1. Determine applications for a personal licence if there is a police objection
2. Determine applications for a personal licence from persons with an unspent conviction
3. Determine applications for premises licence/club premises certificate if a relevant representation is made

4. Determine applications for a provisional statement if a relevant representation is made
5. Determine applications to vary a premises licence/club premises certificate if a relevant representation is made
6. Determine applications to vary a designated personal licence holder if there is a police objection
7. Determine applications for a transfer of premises licence if there is a police objection
8. Determine applications for interim authorities if there is a police objection
9. Determine applications to review premises licence/club premises certificate
10. Decide whether to object when the local authority is a consultee and not the lead authority
11. Determine a police representation to a temporary event notice.

- 1.4 To establish a Taxi Licensing and Appeals Committee and Taxi Licensing Sub Committee with the following terms of reference and delegated powers:

Taxi Licensing and Appeals Committee

Will, within Council policies

1. Take decisions relating to licensing and appeals functions that are not the responsibility of the General Licensing Committee and would fall within the definition of key decisions if these were executive functions
2. Make proposals to Council about policy matters relating to these functions
3. Approve arrangements for meetings of sub committees and panels

Taxi Licensing Sub Committee

Will, within Council policies and in relation to hackney carriages and private hire vehicles:

1. Determine individual applications where there is a proposal to refuse a licence, unless within Council policies it is an automatic ground of refusal
2. Suspend or revoke licences or issue written warnings
3. Determine appeals by applicants for advertising on hackney carriages who are aggrieved at a decision of the Assistant Director – Environmental Health and Trading Standards.

- 1.5 To agree that the following sub committees and panels become sub committees and panels of the Taxi Licensing and Appeals Committee:
- Housing Appeals Sub Committee
 - Education Awards and Transport Sub Committee
 - Employee Appeals Sub Committee
 - Disciplinary Sub Committee
 - Disputes Resolution Sub Committee
 - Social Services Secure Accommodation Panel
 - Discretionary Housing Payments Appeals Sub Committee
- 1.6 1) To agree that General Licensing Committee shall comprise fifteen Members (Labour 7, Liberal Democrat 4, Conservative 3, Independent 1).
- 2) To agree that the Taxi Licensing and Appeals Committee shall comprise ten Members (Labour 5, Liberal Democrat 3, Conservative 2)
- 3) To agree that the Planning Control Committee shall comprise ten Members (Labour 5, Liberal Democrat 3, Conservative 2).
- 1.7 1) To approve the following recommendations of the Independent Remuneration Panel.
- a) To discontinue the current special responsibility allowance payable to members of the Licensing and Appeals Committee
- b) To provide for the following new special responsibility allowances to apply from 1 February 2005 to 31 March 2006 or until the Scheme is amended further:

Committee	Position	Pro-rate Percentage	Number	Yearly Allowance £
General Licensing Committee – 15 members	Vice Chair	17½%	4	4646.54
	Member	12½%	10	3318.96
Taxi Licensing & Appeals Committee 10 members	Vice Chair	12½%	2	3318.96
	Member	4%	7	1062.07

Note – the Chairs of the two committees will continue to receive a 25% special responsibility allowance as the chair of a regulatory committee.

- c) To provide that, except for the chairs and vice chairs, members of the General Licensing Committee and Taxi Licensing and Appeals Committee may receive their special responsibility allowances in addition to any other special responsibility allowances to which they may be entitled.
 - 2) To approve the revised Members' Allowances Scheme at Appendix 3 and to amend the existing Scheme.
- 1.8 To approve the amendments to the Constitution set out in Appendix 4.
- 1.9 To approve the revised appointments to certain committees, set out in Appendix 5, for the remainder of the current municipal year.

SUPPORTING INFORMATION

- 2.1 As Members will know, the Licensing Act 2003 comes into force on 7 February 2005. From that date, subject to certain transitional arrangements, responsibility for Liquor Licensing transfers from the Magistrates Courts to district councils. The Act also makes significant changes to the way other licences are dealt with.
- 2.2 The Licensing and Appeals Committee has received a number of reports on the implications of the new licensing regime. It set up a cross-party members working group, comprising Councillors Brown, Jones and Redfern, to consider changes to the Council's constitutional structures necessary to accommodate the new responsibilities. In particular, the working group was aware that...
- Forecasts of workload indicated that, during the initial phase of nine months after the new regime commences, the best case scenario was for 17 hearings a month and the worst case scenario 77 hearings a month. Independent advice was to plan for the worst case scenario.
 - It would be reasonable to expect to deal with two or three hearings a day which would represent about 38 full days of hearings a month. If three member sub committees were used, this would equate to each member needing to work an average of three full days a fortnight.
 - As well as hearings, the chair of the sub committee might have to attend the Magistrates Court to defend the Council's decision on appeal. It was forecast that up to 50% of cases could result in appeal, equivalent to 38 cases a month. This could make the commitment for chairs of sub committees much greater.
 - Some members would not be able to attend full day meetings because of caring responsibilities. This would place a correspondingly greater burden on others. Consideration would need to be given to having some evening hearings where practical.
- 2.3 The Members' working group agreed to put the following proposals to the political groups for consideration:

- To create a new General Licensing Committee of 15 members to deal with liquor licensing and a range of other licences introduced or brought together as a result of the Licensing Act 2003
- To rename the existing Licensing and Appeals Committee as the Taxi Licensing and Appeals Committee with 14 or 10 members
- To try to have separate membership of the two committees where possible
- To abolish the current Licensing Sub Committee A, Licensing Sub Committee B, Education Awards and Transport Sub and Social Services Secure Accommodation Panel and to have panels or sub committees of the parent committees to hear individual cases within their remits. Members of the parent committees will be selected to serve on these panels or sub committees on a rota basis
- To have teams of vice chairs of the committees who, together with the chair, will chair panels or sub committees hearing individual cases and, where necessary, attend Magistrates Court to defend the Council's decision on appeal
- To provide for some evening meetings to increase the potential membership of the committees
- To encourage all non-Cabinet members to become involved and to have on the committees only those members who can play a full part
- To agree that, for the first year, members of the General Licensing Committee should not be required to be members of overview and scrutiny commissions. Where this proves impossible, affected members could be excused from evidence-gathering sessions for topic reviews
- To reduce the size of overview and scrutiny commissions, other than the Scrutiny Management Commission, to six or seven
- To reduce the size of the Planning Control Committee to ten.

Initially, all three political groups were in broad agreement with these proposals. Officers briefed Councillor Leeming separately. Subsequently, the Labour Group indicated that they were not in favour of reducing the size of overview and scrutiny commissions. The Group believe that overview and scrutiny is important to the democratic process and do not wish to see any reduction in the opportunities for non-executive members to influence decision making. The leaders of the Conservative and Liberal Democrat Groups agreed to defer any decision on the size of overview and scrutiny commissions to the Annual Meeting of the Council in May 2005.

2.4 At the same time, the Council's Independent Remuneration Panel met to consider whether changes should be made to the Members' Allowances Scheme to reflect the additional special responsibilities to be assumed by Members as a result of the Licensing Act 2003. The Panel's report and recommendations are set out in Appendix 2 to this report. The Council is asked to consider the report of the Independent Remuneration Panel, approve the Panel's recommendations, with or without amendment, and approve the revised Members' Allowances Scheme at Appendix 3. It should be noted that the Panel has made alternative recommendations for the payment of special responsibility allowances to members of the proposed Taxi Licensing and Appeals Committee, depending on whether that committee has fourteen or ten members.

2.5 Certain changes to the Constitution are necessary to give effect to the proposals of the Members' Working Group, as agreed by the political groups. These are...

- 1) To dissolve the Licensing and Appeals Committee, Licensing Sub Committee A and Licensing Sub Committee B.
- 2) To establish two new committees:
 - a) a General Licensing Committee of fifteen members with overall responsibility for the new licensing regime under the Licensing Act 2003
 - b) a Taxi Licensing and Appeals Committee of fourteen or ten members with overall responsibility for the licensing of hackney carriages and private hire vehicles, and various appeals processes.
- 3) To establish a single General Licensing Sub Committee of three members to determine matters under the Licensing Act 2003, where a hearing is required. Members of the General Licensing Committee will be appointed to the sub committee on a rota basis. The chair and vice chairs of the parent committee will chair meetings of the sub committee, again on a rota basis.
- 4) To establish a Taxi Licensing Sub Committee of three members to determine matters relating to hackney carriage or private hire licences where a hearing is required, and to reduce the size of the Education Awards and Transport Sub Committee from eight members to three members. Members of the Taxi Licensing and Appeals Committee will be appointed to the following sub committees and panels, each comprising three members, and the chair and vice chairs of the parent committee will chair meetings, all on a rota basis:
 - Housing Appeals Sub Committee
 - Education Awards and Transport Sub Committee
 - Employee Appeals Sub Committee
 - Disciplinary Sub Committee
 - Disputes Resolution Sub Committee
 - Social Services Secure Accommodation Panel
 - Discretionary Housing Payments Appeals Sub Committee

- 5) To make certain technical changes to the Constitution required by the Licensing Act 2003 or regulations.

For more information contact: Constitutional issues

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Licensing issues

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Background papers:

Members' Working Group supporting papers

List of appendices:

Appendix 1 – Implications

Appendix 2 – Seventh Report of the Independent Remuneration Panel

Appendix 3 – Proposed Members' Allowances Scheme

Appendix 4 – Proposed Amendments to the Constitution

Appendix 5 – Proposed Appointments to Constitutional Bodies

IMPLICATIONS

Financial

- 1.1 Reports on the potential financial implications of implementing the Licensing Act 2003 have been submitted to the Licensing and Appeals Committee and the Cabinet. A provision of £200,000 has been included in the 2005/06 Revenue Budget for the first full year of operation.
- 1.2 This provision will have to cover the additional costs of special responsibility allowances which are estimated in a full year at £45,200 plus inflation increases previously agreed by the Council. This figure does not include any additional Travelling and Subsistence or Dependent Carers Allowances which are impossible to quantify at this stage.

Legal

- 2.1 The legal requirements of the new licensing regime are set out in the Licensing Act 2003 and associated regulations.
- 2.2 Appeals against the Council's decisions on individual cases are to the Magistrates Court. The chair of the sub committee hearing the case will normally be expected to attend to defend the Council's decision in that court.
- 2.3 Members' Allowances are governed by the Local Government Acts, associated regulations and statutory guidance. Before making or amending its Members' Allowances Scheme, the Council must have regard to the recommendations of its Independent Remuneration Panel although, with the exception of pensions, it is not bound to accept them.

Personnel

- 3.1 Additional staffing resources are being secured to deal with the extra work generated by the new licensing functions. Training has been delivered to Members and officers and further training is planned.

Equalities impact

- 4.1 None directly arising from this report.

Corporate objectives and priorities for change

- 5.1 None directly arising from this report.



MEMBERS' ALLOWANCES

SEVENTH REPORT OF THE INDEPENDENT REMUNERATION PANEL

Background

1. Under the Local Authorities (Members' Allowances) (England) Regulations 2003, (the '2003 Regulations') local authorities must establish and maintain an Independent Remuneration Panel. The purpose of this panel is to make recommendations to the authority:
 - a) as to the amount of Basic Allowance that should be payable to its elected members,
 - b) about the roles and responsibilities for which a Special Responsibility Allowance should be payable and as to the amount of each such allowance,
 - c) as to whether the authority's allowances scheme should include an allowance in respect of expenses of arranging for the care of children and dependants, and if it does make such a recommendation, the amount of this allowance and the means by which it is determined.
 - d) about the duties for which a Travelling and Subsistence Allowance can be paid and as to the amount of this allowance,
 - e) as to the amount of a Co-optees Allowance,
 - f) on whether any allowance should be backdated to the beginning of a financial year,
 - g) as to whether annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should run,
 - h) as to which members of an authority are to be entitled to pensions and as to treating basic allowance and special responsibility allowance as amounts in respect of which such pensions are payable.

The Council and the Panel must have regard to statutory guidance in considering the provisions of the Members' Allowances Scheme.

2. Derby City Council's Independent Remuneration Panel comprises:
 - Professor Mary Carswell, Director, Derbyshire Business School, University of Derby (Vice Chair)
 - Sue Holmes, Chief Executive, Derby Law Centre
 - Shameem Malooq, Derby City Partnership
 - Ian Samways, Individual Member (Chair)
 - Nigel Sutherland, Director, Brigdens Ltd
3. At their meeting on 15 September 2004, the Council resolved to continue the Special Responsibility Allowance payable to members of the Licensing and Appeals Committee, but to ask the Independent Remuneration Panel to review it again in December 2004 when the Council's proposals for dealing with its new licensing responsibilities (under the Licensing Act 2003) are clearer. In conducting that review, the Council asked the Panel to take into account the workload of Members serving on other constitutional bodies, for example the Planning Control Committee.
4. The Panel met on 16 December 2004 to undertake this review. It received the following evidence and representations:
 - a) a summary of the liquor licensing requirements that come into effect in February 2005
 - b) draft proposals from a cross-party working group on the organisation of licensing and the potential consequences for other constitutional bodies. The draft proposals envisaged:
 - a new Liquor Licensing Committee of fifteen members
 - a restructured General Licensing and Appeals Committee of fourteen members or ten members to replace the current Licensing and Appeals Committee.
 - panels of three members from the parent committees hearing individual cases
 - c) the comments of the three political groups on these draft proposals
 - d) predictions of the high volume of liquor licensing hearings during the transitional period of approximately nine months.
 - e) indications that the chairs of panels hearing individual cases are likely to be required to defend the Council's decision on appeals to the Magistrates Court
 - f) indications of the possible approaches to be taken by Leicester and Nottingham City Councils in respect of special responsibility allowances for liquor licensing
 - g) the results of a survey of Derby councillors to try to assess how much time is currently spent on licensing, planning control, overview and scrutiny and outside bodies

- h) information on current discussions about the heavy workload of members of the Planning Control Committee and measures to address the issue

5. The Panel has come to the following conclusions:

- i) The new liquor licensing regime will place significant additional responsibilities on members of the new Liquor Licensing Committee which should be recognised through the payment of a special responsibility allowance, provided all members play a full part in the committee's proceedings.
- ii) The special responsibility allowance currently paid to members of the Licensing and Appeals Committee should be reviewed to reflect the reduced workload of members of the proposed General Licensing and Appeals Committee. This reduction in workload arises because of the proposed move from three standing sub committees of eight members to panels of three members convened on a rota basis. The Council should consider whether it is appropriate to have a General Licensing and Appeals Committee of fourteen members or ten members, according to how it wished to organise the work and rota of this Committee. The level of special responsibility allowances paid should reflect the number of members on the Committee.
- iii) A higher special responsibility allowance should be paid to members who chair panels hearing individual cases because, as well as chairing the hearing itself, they may have to appear on behalf of the Council in the Magistrates Court. The Panel understands that these chairs are likely to be the chair and vice chairs of the parent committees.
- iv) Revised special responsibility allowances arising from the introduction of liquor licensing should apply from February 2005 until March 2006, with the Independent Remuneration Panel reviewing the allowances in February 2006 in the light of several months' experience of operating the new arrangements. The Panel will recommend reducing the allowances if there is evidence of the workload not being as onerous as predicted or if, as expected, the workload lessens significantly after the transitional period.
- v) The Panel will consider the question of special responsibility allowances for members of the Planning Control Committee when it makes its general recommendations for 2005/06. The Panel is not able to draw any firm conclusions from the survey of councillors on the relative workloads of constitutional bodies, although the survey has proved useful in informing its consideration of the issues.

Recommendations

- 6. Having considered all of the evidence before it and the statutory guidance, and assuming the Council amends its structure relating to its licensing functions, the Panel formally recommends the Council to amend its Members' Allowances Scheme to:
 - 1. discontinue the current special responsibility allowance payable to members of the Licensing and Appeals Committee

2. provide for the following new special responsibility allowances to apply from February 2005 to March 2006 or until the Scheme is amended further:

Committee	Position	Pro-rate Percentage	Number	Yearly Allowance £
Liquor Licensing Committee - 15 members	Vice Chair	17½%	4	4646.54
	Member	12½%	10	3318.96
General Licensing & Appeals Committee - 14 members	Vice Chair	10%	3	2655.17
	Member	2½%	10	663.79
OR				
General Licensing & Appeals Committee 10 members	Vice Chair	12½%	2	3318.96
	Member	4%	7	1062.07

Note - the chairs of the two committees will continue to receive a 25% special responsibility allowance as the chair of a regulatory committee.

3. provide that, except for the chairs and vice chairs, members of the Liquor Licensing Committee and General Licensing and Appeals Committee may receive their special responsibility allowances in addition to any other special responsibility allowances to which they may be entitled.

Ian Samways

Chair of the Independent
Remuneration Panel

Michael Foote

Secretary to the Independent
Remuneration Panel

December 2004

DERBY CITY COUNCIL MEMBERS' ALLOWANCES SCHEME

Derby City Council, in exercise of the powers conferred by the Local Authorities (Members Allowances) (England) Regulations 2003, hereby makes the following scheme and amends its previous scheme made on 15 September 2004.

1. This scheme may be cited as the Derby City Council Members' Allowances Scheme, and shall have effect in accordance with paragraph 12.
2. In this scheme:

"councillor" means a member of the Derby City Council who is a councillor;
"year" means the 12 months ending with 31 March.
3. **Basic Allowance**
 - a. Subject to paragraph 7, for each year a Basic Allowance of £8,850.56 shall be paid to each councillor.
 - b. Where a member is suspended or partially suspended from his / her responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of basic allowance payable to him / her in respect of the period for which he / she is suspended or partially suspended may be withheld by the Council.
4. **Special Responsibility Allowances**
 - a. For each year a Special Responsibility Allowance shall be paid to those councillors who hold the special responsibilities in relation to the authority, which are specified in Schedule 1 to this scheme.
 - b. Subject to paragraph 7, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.
 - c. With the exception of the Special Responsibility Allowance payable as a member of the Licensing and Appeals Committee or Social Services Adoption Panel, no councillor shall receive more than one Special Responsibility Allowance. Where a councillor is entitled to more than one such allowance, s/he shall receive the higher or highest allowance. Where a Councillor is a member of both the Licensing and Appeals Committee and the Social Services Adoption Panel, s/he shall be entitled to receive a Special Responsibility Allowance in respect of one of these bodies.
 - d. (i) Subject to paragraphs (ii) and (iii), no councillor shall receive more than one Special Responsibility Allowance. Where a councillor is

entitled to more than one such allowance, s/he shall receive the higher or highest allowance.

- (ii) With the exception of the chair or vice chairs, a member of the General Licensing Committee or Taxi Licensing and Appeals Committee may receive a Special Responsibility Allowance payable as a member of those committees in addition to any other Special Responsibility Allowance to which they may be entitled.
 - (iii) Where a councillor is a member of the Social Services Adoption Panel and either the General Licensing Committee or Taxi Licensing and Appeals Committee, s/he shall be entitled to receive one Special Responsibility Allowance, being the higher or highest allowance to which s/he is entitled.
- e. Where a member is suspended or partially suspended from his / her responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of special responsibility allowance payable to him / her in respect of the responsibility or duties from which he / she is suspended or partially suspended may be withheld by the Council.

5. Travelling and Subsistence Allowances

- a. Subject to paragraph 7, Travelling and Subsistence Allowances shall be payable to each councillor at the rates specified in Schedule 2 to this Scheme, for the approved duties listed in Schedule 3 to this Scheme.
- b. Where a member is suspended or partially suspended from his / her responsibilities or duties as a member of an authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, any travelling and subsistence allowance payable to him / her in respect of the responsibilities or duties from which he / she is suspended or partially suspended may be withheld by the Council.

6. Dependant Carer's Allowance

- a. Subject to paragraph 7, a Dependant Carer's allowance shall be paid to those councillors who incur expenditure on the care of children or other dependants while carrying out any of the approved duties listed in Schedule 3 to this Scheme.
- b. a councillor claiming this allowance will be reimbursed actual costs up to a maximum of £40 a day.

7. Renunciation

A councillor may by notice in writing given to the Director of Corporate Services elect to forego any part of his or her entitlement to an allowance under this scheme.

8. **Pensions**

- a. All members of the Council shall be entitled to pensions in accordance with a scheme made under section 7 of the Superannuation Act 1972.
- b. Both the Basic Allowance and Special Responsibility Allowances shall be treated as amounts in respect of which such pensions are payable in accordance with a scheme made under the Superannuation Act 1972.

9. **Part-year Entitlements**

- a. The provisions of this paragraph shall have effect to regulate the entitlements of a councillor to Basic and Special Responsibility Allowances where, in the course of a year, this scheme is amended or that councillor becomes, or ceases to be, a councillor, or accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable.
- b. If an amendment to this scheme changes the amount to which a councillor is entitled by way of a Basic Allowance or a Special Responsibility Allowance, then in relation to each of the periods
 - i. beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
 - ii. beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.

- c. Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor to a Basic Allowance shall be to the payment of such part of the Basic Allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.
- d. Where this scheme is amended as mentioned in sub-paragraph b., and the term of office of a councillor does not subsist throughout the period mentioned in sub-paragraph b.i., the entitlement of any such councillor to a Basic Allowance shall be to the payment of such part of the Basic Allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a councillor subsists bears to the number of days in that period.
- e. Where a councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a Special Responsibility Allowance, that

councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.

- f. Where this scheme is amended as mentioned in sub-paragraph b., and a councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph b.i. of that paragraph any such special responsibilities as entitle him or her to a Special Responsibility Allowance, that councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

10. Claims and Payments

- a. Payments shall be made in respect of Basic and Special Responsibility Allowances, subject to sub-paragraph b., in instalments of one-twelfth of the amount specified in this scheme on the 25th day of each month or the nearest working day to the 25th day.
- b. Where a payment of one-twelfth of the amount specified in this scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in the councillor receiving more than the amount to which, by virtue of paragraph 9, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.
- c. Payments in respect of a Dependant Carer's Allowance will be based on the reimbursement of actual costs, supported by receipted accounts
- d. Payments in respect of Travelling and Subsistence Allowances will be based on a claim submitted by the Member concerned.
- e. A claim for a Travelling and Subsistence or Dependant Carer's Allowance must be made in writing within two months of the date on which the duty in respect of which the entitlement to the allowance arises.

11. Indexing and Backdating of Allowance

The Basic and Special Responsibility Allowances, shall be increased with effect from 1 April 2004 and 1 April 2005 in line with the average salary increase for local authority employees. The allowances shown in this scheme are those to be applied from 1 April 2004.

12. Application of Scheme

All provisions in this Scheme shall come into effect on 1 April 2004, with the exception of paragraph 4d and items 12-15 in Schedule 1 which shall come into effect on 1 February 2005. Paragraph 4c and item 10 in Schedule 1 shall cease to have effect after 31 January 2005.

SCHEDULE 1

The following are specified as the special responsibilities in respect of which special responsibility allowances are payable, and the amounts of those allowances:

	Position	Pro-rata Percentage	Number	Yearly Allowance £
1	Leader of the Council	100%	1	26,551.68
2	Deputy Leader of the Council	75%	1	19,913.76
3	Other Council Cabinet Members	50%	6	13,275.84
4	Leader of Minority Group	25%	1	6,637.92
5	Deputy Leader of Minority Group	12.5%	1	3,318.96
6	The Mayor	25%	1	6,637.92
7	Chairs of Overview and Scrutiny Commissions	25%	6	6,637.92
8	Vice Chairs of Overview and Scrutiny Commissions	12.5%	7	3,318.96
9	Chairs of Regulatory Committees	25%	3	6,637.92
10	Members of the Licensing and Appeals Committee	6.25%	14	1,659.48
11	Members of the Social Services Adoption Panel	6.25%	2	1,659.48
12	Vice Chairs of General Licensing Committee	17.5%	4	4,646.54
13	Members of the General Licensing Committee	12.5%	10	3,318.96
14	Vice Chair of the Taxi Licensing & Appeals Committee	12.5%	2	3,318.96
15	Member of the Taxi Licensing & Appeals Committee	4%	7	1,062.07

SCHEDULE 2

Rates for Travelling and Subsistence Allowances

Travelling Allowances

The rate for travel by a member's private motor vehicle is as follows:

Motor cycle	-	Not exceeding	150 cc	8.5p per mile
Motor cycle	-	151 to	500 cc	12.3p per mile
Motor cycle	-	over	500 cc	16.5p per mile
Motor car etc	-	not exceeding	999 cc	34.6p per mile
Motor car etc	-	1000 cc to	1199 cc	39.5p per mile
Motor car etc	-	over	1199 cc	48.5p per mile
Cycle	-			15p per mile

These rates apply to journeys not exceeding 120 miles return trip. Where approved journeys exceed 120 miles return, you should use standard class rail (first class may be used if standard class accommodation is overcrowded or cannot conveniently be used). If you have to use your own car for journeys exceeding 120 miles return because public transport cannot sensibly or conveniently be used, then reimbursement will be at the full Department of the Environment Transport and the Regions rate.

These rates may be increased:

- a. where passengers are carried (but not exceeding four), who would normally be entitled to travelling allowances, then for each passenger, an additional 3p per mile for the first passenger and 2p per mile for second and subsequent passengers may be added
- b. by not more than the amount of any expenditure incurred on tolls, ferries or parking fees.

The following can be claimed when journeys are made by public transport or taxi:

- a. bus - actual fare charged;
- b. rail - standard class fare;
- c. taxi - actual fare charged.

Subsistence Allowances

Period of Absence

Not involving Absence Overnight

Breakfast Duty of 4 hours, before 11.00 am	£4.92
Lunch Duty of 4 hours including 12 noon to 2.00 pm	£6.77
Tea Duty of 4 hours including 3.00 pm to 6.00 pm	£2.67
Dinner Duty of 4 hours ending after 7.00 pm	£8.38

<i>Overnight Absence</i> (deemed to cover a continuous period of 24 hours)	£79.82
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London and Annual Conferences of the LGA	£91.04
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SCHEDULE 3

Approved Duties for the Purposes of Travelling and Subsistence and Dependant Carer's Allowances

Approved Duties Within Categories Specified by the Local Authorities (Members' Allowances) (England) Regulations 2003

- (a) the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;
- (b) the attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and one or more local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee provided that -
 - (i) where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited, or
 - (ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
- (c) the attendance at a meeting of any association of authorities of which the authority is a member;
- (d) the attendance at a meeting of the executive (Cabinet) or a meeting of any of its committees, where the authority is operating executive arrangements;
- (e) the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
- (f) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
- (g) the performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of section 342 (approval of non-maintained special schools) of the Education Act 1996.

Other Approved Duties

The carrying out of the following duties insofar as they are for the purpose of, or in connection with, the discharge of the functions of the Council or any of its committees or sub committees. These duties shall not include 'case work' on behalf of constituents or work in relation to individual preparation for formal meetings.

- (h) Duty of a Council Cabinet Member or a chair of a committee, sub-committee, commission or panel within the city boundary, subject to a maximum of twenty visits per calendar month.
- (i) Any duty of a vice chair of a Committees, Sub-Committees, Commissions or Panels within the city boundary, at the request of the chair of that Committees, Sub-Committees, Commissions or Panels. Such duty shall be within and counted as part of the maximum limits permitted for the chair but shall be in addition to duties defined in (k) below.
- (j) Visits by leaders and deputy leaders of each political group, to the Council's offices to discuss Council business subject to a maximum of ten visits per month. Such visits by a leader and deputy leader to be additional to the visits permitted as chair or vice chair of a Committees, Sub-Committees, Commissions or Panels of the Council.
- (k) Visits by members (other than leaders, deputy leaders and chairs of Committees, Sub-Committees, Commissions or Panels) to the Council's offices to discuss Council business or to attend meetings, subject to a maximum of fifty such visits or attendances a year. In the case of opposition spokespersons (who are nominated as such to the Director of Corporate Services) the maximum number of visits shall be sixty a year.
- (l) Attendance by members at meetings with trade union officials to discuss conditions of service.
- (m) Visits, inspections, annual tours or official openings of new Council premises.
- (n) Official visits outside the Council area with the prior approval of the Council Cabinet or the appropriate. Committee, Sub-Committee, Commission or Panel and, if abroad, with the prior approval of the Council.
- (o) Attendance at conferences, seminars and meetings as approved by the Council or the Director of Corporate Services.
- (p) Attendance at public meetings and public inquiries when acting in the capacity of a councillor or an office of special responsibility.
- (q) Attendance, with the prior written approval of the Chief Executive, at any meeting not otherwise provided for in this list and where the Chief Executive considers it appropriate and necessary on the grounds of urgency to grant such approval in the interest of the efficient conduct of the Council's affairs. Such attendance to be additional to any entitlements contained in other paragraphs.

- (r) Attendance where requested by the Director of Corporate Services in furtherance of legal proceedings involving the Council.

LICENSING ACT 2003 – PROPOSED AMENDMENTS TO THE CONSTITUTION

PART 3 – PART E

Delete references to Licensing and Appeals Committee, Licensing Sub Committee A and Licensing Sub Committee B.

Insert the following:

General Licensing Committee

Will, within Council policies and in relation to licences that cover alcohol, regulated entertainment, public entertainment, late night food takeaways, theatres, cinemas and other licences granted under the Licensing Act 2003, Local Government (Miscellaneous Provisions) Act 1982, Late Night Refreshment Houses Act 1969, Theatres Act 1968 and Cinema Act 1985.

- Take decisions relating to licensing and appeals functions that would fall within the definition of key decisions if these were executive functions
- Make proposals to Council about policy matters relating to these functions
- Approve arrangements for meetings of the General Licensing Sub Committee.

General Licensing Sub Committee

Will, within Council policies and in relation to licences that cover alcohol, regulated entertainment, public entertainment, late night food takeaways, theatres, cinemas and other licences granted under the Licensing Act 2003, Local Government (Miscellaneous Provisions) Act 1982, Late Night Refreshment Houses Act 1969, Theatres Act 1968 and Cinema Act 1985.

1. Determine applications for a personal licence if there is a police objection
2. Determine applications for a personal licence from persons with an unspent conviction
3. Determine applications for premises licence/club premises certificate if a relevant representation is made
4. Determine applications for a provisional statement if a relevant representation is made
5. Determine applications to vary a premises licence/club premises certificate if a relevant representation is made
6. Determine applications to vary a designated personal licence holder if there is a police objection

7. Determine applications for a transfer of premises licence if there is a police objection
8. Determine applications for interim authorities if there is a police objection
9. Determine applications to review premises licence/club premises certificate
10. Decide whether to object when the local authority is a consultee and not the lead authority
11. Determine a police representation to a temporary event notice.

Taxi Licensing and Appeals Committee

Will, within Council policies

1. Take decisions relating to licensing and appeals functions that are not the responsibility of the General Licensing Committee and would fall within the definition of key decisions if these were executive functions
2. Make proposals to Council about policy matters relating to these functions
3. Approve arrangements for meetings of sub committees and panels

Taxi Licensing Sub Committee

Will, within Council policies and in relation to hackney carriages and private hire vehicles:

1. Determine individual applications where there is a proposal to refuse a licence, unless within Council policies it is an automatic ground of refusal
2. Suspend or revoke licences or issue written warnings
3. Determine appeals by applicants for advertising on hackney carriages who are aggrieved at a decision of the Assistant Director – Environmental Health and Trading Standards.

APPENDIX TO PART 3

Licensing and Registration Functions

Insert

Function	Responsible Body	Responsible Officer
14A. (1) Functions relating to determining licensing policy and establishing Licensing Committees under sections 5 and 6 of the Licensing Act 2003 -	Council	

Function	Responsible Body	Responsible Officer
14A. (2) Functions relating to the discharge of the Council's licensing functions under section 7 of the Licensing Act 2003	The General Licensing Committee or General Licensing Sub Committee as shown in Part E of Part 3 of the Constitution	Assistant Director Environmental Health and Trading Standards
14A. (3) Functions relating to keeping a register of licensed premises under section 8 of the Licensing Act 2003		Assistant Director Environmental Health and Trading Standards

**APPOINTMENTS TO CERTAIN COMMITTEES FOR THE REMAINDER OF THE
MUNICIPAL YEAR 2004/05**

(Names to be submitted at the Council meeting)

1. General Licensing Committee (Con 3, Lab 7, Lib Dem 4, Ind 1)

Chair -
Vice Chairs (4) -
Councillors -

2. Taxi Licensing and Appeals Committee
(Con 2, Lab 5, Lib Dem 3)

Chair -
Vice Chairs (2) -
Councillors -

3. Planning Control Committee (Con 2, Lab 5, Lib Dem 3)

Chair -
Vice Chair -
Councillors -