

LICENSING COMMITTEE

2nd November 2015

COMPOSITION OF LICENSING SUB-COMMITTEES

Relevant Portfolio Holder	Councillor Yvonne Smith
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton – Head of Legal, Equalities and Democratic Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

This report reviews the composition and terms of reference of the Licensing Sub-Committees and recommends changes to these.

2. RECOMMENDATIONS

Members are asked to RECOMMEND;

- 1. That the composition and terms of reference of the Licensing Sub-Committees as set out at appendix 1A and 1B to the report be approved;**
- 2. That the Head of Legal, Equalities and Democratic Services be authorised to make any consequential changes to the Constitution.**

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications arising from this report.

Legal Implications

- 3.2 The Borough Council establishes sub-committee meetings to consider licensing matters under the Licensing Act 2003 and Gambling Act 2005 and associated legislation.

Service / Operational Implications

- 3.3 The Licensing Committee provides a pool of Councillors to sit on sub-committees that consider licensing applications and conduct hearings relating to taxi licensing and related matters. The licensing sub-committees for matters within the scope of the Licensing Act 2003 and Gambling Act 2005 (i.e. premises licences, personal licences, gaming

licences, reviews of existing licences etc) are established on an ad hoc basis and comprise three Councillors. The licensing sub-committee dealing with taxis and sex establishments comprises five Councillors and meets monthly and, generally, in private owing to the personal nature of the majority of the business being transacted.

- 3.4 The current arrangements have caused difficulties for officers when setting up sub-committee meetings. The two main issues are:
- Restricting the membership of Licensing Sub-Committee A (premises, personal and Gambling Act) to five members from whom panels of three are set up, means there is a restricted pool of experienced members from whom to select. On occasion, certain members may not be able to act as the issue may be in their ward or affect someone known to them. These issues lead to delays in arranging hearings and increases the risk of challenge to the process as there are often strict time limits which have to be complied with;
 - Maintaining a sub-committee of five members on Licensing Sub-Committee B for taxis, sex establishments etc. The quorum for this meeting is three. Seeking availability of five members for this sub-committee is difficult as it generally meets during the working day. In 2014-15 the sub-committee rarely met with all five members present.
- 3.5 For the vast majority of functions the requirement is to have a minimum of three members of a sub-committee but for Licensing Act 2003 matters it is specifically 'three members'.

There is no requirement for these members to be drawn from a separate sub-group of the Licensing Committee so long as they sit on that committee (which must be between 10 and 15 members).

Assuming that all members of the parent committee have had appropriate training there is no reason why the pool of members drawn from should be limited to a separate, smaller group within that committee.

Premises etc. sub-committee

- 3.6 When a sub-committee sits to hear premises and other Licensing Act issues, the law states that this cannot be more than three members. Currently the constitution requires these hearings to be chaired by the Chair of the parent Committee. This is not required by the legislation or best practice and can cause difficulties if an application falls within the

ward of the Chair and/or Vice-Chair of the Committee, when they would be unable to sit. It is recommended that this requirement is removed from the constitution.

- 3.7 The proposed terms of reference for the sub-committee are attached at appendix 1A.

Taxi etc. sub-committee

- 3.8 For taxi hearings, it is proposed that all sub-committee meetings are established with a membership of three Councillors drawn from the whole pool of parent Committee members who have been trained. A fourth member will also be sought as a reserve in case one of the three members is unable to act.
- 3.9 The terms of reference and composition of the sub-committee are attached at appendix 1B.
- 3.7 In accordance with best practice the taxi hearings are chaired by the Chair or Vice-Chair of the parent Committee. It is proposed that this continues.

4. RISK MANAGEMENT

- 4.1 The new arrangements reduce the risk of not being able to assemble members for licensing sub-committee meetings. They also clarify the membership of the sub-committees and hence reduce the risk of misunderstanding and challenge.

5. APPENDICES

Appendix 1A – Proposed terms of reference and composition of the Licensing Sub-Committee (Premises, Personal and Gambling Act)

Appendix 1B – Proposed terms of reference and composition of the Licensing Sub-Committee (Taxis, sex establishments etc);

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