

**COUNCIL – 21 JULY 2009**

**ARRANGEMENTS FOR LICENSING HEARING SUB-COMMITTEES**

Also considered by: **Licensing Committee – 21 May 2009**

Report of the: Corporate Resources Director

Status: For Decision

**Portfolio Holder** Cllr. Mrs. Elaine Bracken

**Head of Service** Mrs. Christine Nuttall

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**Recommendation:**

That Council be recommended to amend Part 8 of the Constitution as set out in Appendix A.

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**Background**

- 1 Under Section 9 of the Licensing Act 2003, the Licensing Committee may establish one or more sub-committees consisting of three members of the Committee. Section 9 of the Licensing Act 2003 requires that any sub-committees be appointed by the Licensing Committee; therefore, this function cannot be exercised by the full Council.
- 2 At its meeting on 21 May 2009, the Licensing Committee agreed to appoint five sub-committees to replace the “pool” system which had been used previously. As a result of this decision, the Licensing Committee has recommended to Council a series of amendments to the Constitution (set out in Appendix A) to reflect the new arrangements.

**Licensing Sub-Committees**

- 3 Appendix A proposes to amend Part 8 of the Constitution to reflect the decisions of the Licensing Committee on 21 May 2009. These include its decision to appoint five sub-committees, each comprising three Members of the Licensing Committee; that the Chief Executive be given delegated authority to call one of the five sub-committees when required; that any member of the Licensing Committee would be authorised to substitute onto any of the other sub-committees; that Members who are unable to attend a meeting must inform the Democratic Services Team of the name of their substitute at least one working hour prior to the meeting; and that the quorum of the sub-committee would be reduced to two, so that in the unlikely event that a Member is unable to attend at very short notice, a meeting could still be held.

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- 4 Appendix A also contains the proposed Terms of Reference of the sub-committees. These are largely the same as before. However, a couple of amendments were agreed as a result of more recent legislation. These are shown in tracked changes in Appendix A.

**Options (and Reasons for the Recommendation)**

- 5 The Constitution should be amended to reflect the decision taken by the Licensing Committee on 21 May 2009.

**Key Implications**

Financial

- 6 None arising directly from this report.

Community Impact and Outcomes

- 7 None arising directly from this report.

Legal, Human Rights etc.

- 8 The Council's Licensing Sub-Committees must be established in accordance with relevant legislation.

**Conclusions**

- 9 The Constitution should be amended to reflect the decision taken by the Licensing Committee on 21 May 2009.

**Risk Assessment Statement**

The Licensing Sub-Committees have been established in accordance with legislation and best practice.

**Sources of Information:** Part 8 of the Constitution

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