

LICENSING COMMITTEE – 21 MAY 2009

ARRANGEMENTS FOR LICENSING HEARING SUB-COMMITTEES

Report of the: Corporate Resources Director

Status: For Decision

Portfolio Holder Cllr. Mrs. Elaine Bracken

Head of Service Mrs. Christine Nuttall

Recommendation:

- (a) That the Committee appoints five Licensing Sub-Committees, with the membership set out below and the terms of reference set out in Appendix A.
 - (b) That the quorum of the Licensing Sub-Committee be amended to two.
 - (c) 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. There is no requirement for these sub-committees to be politically proportionate. 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.

Current Licensing Hearing Arrangements

- 2 Under the current arrangements, the membership of licensing hearings are not fixed and operate on a pool system, with 3 members drawn for each meeting from a pool of fifteen members. The current quorum for meetings is 3 members.
- 3 Some other authorities have also set up their licensing hearings on the basis of a “pool” system. However, this system of establishing committees is increasingly being questioned. Having reviewed the arrangements for the Licensing Committee and emerging best practice, this paper proposes to amend and strengthen the standing orders which govern the way that licensing hearings are arranged.

Licensing Sub-Committee Proposals

- 4 Appendix A sets out proposals for the Licensing Committee to appoint five sub-committees, each comprising three Members of the Licensing Committee. It is proposed that the Chief Executive be given delegated authority to call one of the five sub-committees when required. In practice, the sub-committee would be chosen on the basis of availability and on a rotational basis. The current Licensing Availability Matrix would be retained to facilitate this.
- 5 To ensure that each meeting is quorate, it is proposed that all members of the Licensing Committee be authorised to substitute onto any of the other sub-committees. It would be the responsibility of the Member who is unable to attend a meeting to inform the Democratic Services Team of the name of their substitute by the end of the day prior to the meeting. It is also proposed that the quorum of the sub-committee is reduced to two, so that in the unlikely event that a Member is unable to attend at very short notice, the meeting could still be held.
- 6 The following Sub-Committee memberships have been proposed on the basis of alphabetical order:
 - Sub-Committee A – Abraham, Brigden and Brown
 - Sub-Committee B – Cooke, Darrington and Davison
 - Sub-Committee C – Mrs Dawson, Loney and McInnes
 - Sub-Committee D – Orridge, Mrs Parkin and Pett
 - Sub-Committee E – Piper, Waller and Wigg.
- 7 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 are proposed as a result of more recent legislation. These are shown in tracked changes in Appendix A.

Options (and Reasons for the Recommendation)

- 8 Best practice suggests that it would be prudent to make the amendments suggested above.

Key Implications

Financial

None arising directly from this report.

Community Impact and Outcomes

None arising directly from this report.

Legal, Human Rights etc.

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

Conclusions

Given current thinking about the Licensing Sub-Committee arrangements, it would be prudent to make the proposed amendments.

Risk Assessment Statement

The proposed amendments to the Licensing Sub-Committees are established in accordance with the legislation and best practice.

Sources of Information: Part 8 of the Constitution

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