

LICENSING COMMITTEE



Report subject	Administrative Arrangements for Licensing Committee and Licensing Sub Committees
Meeting date	25 September 2019
Status	Public Report
Executive summary	<p>The Council's Constitution makes provision for the Licensing Committee to delegate appropriate matters to Licensing Sub Committees for decision. This report asks the Committee to consider arrangements for appointing Members of the Licensing Committee to Licensing Sub Committees.</p> <p>Practices in the three preceding authorities differed in respect of the use of site visits by Licensing Committees and Licensing Sub Committees. The Committee may wish to consider whether there are any circumstances where the Licensing Committee or Licensing Sub Committees may be required to undertake a site visit, and if so, consider adopting a site visit protocol.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>(a) The Committee considers and agrees arrangements for appointing Members of the Licensing Committee to Licensing Sub Committees.</p> <p>(b) The Committee considers whether it wishes to make any provision for site visits by the Licensing Committee and Licensing Sub Committees</p>
Reason for recommendations	To ensure that the Licensing Committee has appropriate arrangements in place for the operation of Licensing Sub Committees and site visits.
Portfolio Holder(s):	Councillor Vikki Slade, Leader of the Council

Corporate Director	Julian Osgathorpe, Corporate Director, Resources
Report Author	Jill Holyoake, Senior Democratic and Overview Scrutiny Officer
Wards	All Wards
Classification	For Decision

Background

1. The Council's Constitution makes provision for the appointment of a Licensing Committee consisting of fifteen Councillors, to be responsible for determining those matters relating to Licensing functions which are set out in Part 3.3 of the Constitution. The Constitution allows the Licensing Committee to delegate appropriate matters to Licensing Sub Committees for a decision.

Appointment of Sub Committees

2. Such matters which may be delegated to Licensing Sub Committees are set out in Part 3. 3 (d) of the Constitution and fall under a range of legislation, including the Licensing Act 2003. The minimum number of members required to consider applications made under the Licensing Act 2003 is three. There is no legal requirement in this respect for other business which Sub Committees may consider, e.g. taxi matters. To allow matters under different legislation to be heard at the same time for efficiency purposes, it is recommended that the membership and quorum for Sub Committees is three councillors, with the added provision of one named reserve councillor to be available in the event of unavoidable absence or conflict of interest.
3. At its meeting held on 29 May 2019 the Committee noted that a proposed schedule of membership would be drawn up for the Licensing Sub Committees. A schedule of sub-committee memberships consisting of three councillors plus a reserve has been put in place by Democratic Services, in consultation with the Chairman of the Licensing Committee, up until 1 October 2019. Membership has been drawn up based on experience, training and availability.
4. All members of the Licensing Committee are now fully trained, following a further training session which took place on 4 September. Members have also had the opportunity to attend and observe sub-committee meetings during this period.

5. The Committee is asked to agree a methodology for appointing councillors to its Sub Committees to take effect from 15 October 2019 onwards. One option which members may wish to consider, based on a membership of three councillors plus one reserve, is to select councillors alphabetically from the list of Licensing Committee members on a rota basis as suggested in Appendix 1.
6. In using this rota system it is acknowledged that there will be occasions when both a member of the sub-committee and the named reserve become unavailable, in which case it is suggested that Democratic Services contact the next councillors on the alphabetical list of Committee members to seek replacements.

Site Visits

7. Practices in the three preceding authorities differed in respect of the use of site visits by Licensing Committees and Licensing Sub Committees. The Committee may wish to consider whether there are any circumstances where the Licensing Committee or Licensing Sub Committees may deem it necessary to undertake a site visit. If so, the Committee may wish to request that a site visit protocol is put together for consideration at its next meeting, to set out how site visits are agreed, arranged and undertaken.

Summary of financial implications

6. There are no financial implications arising from this report.

Summary of legal implications

7. Arrangements for the discharge of functions in respect of the Licensing Committee and Licensing Sub Committees must comply with all relevant legislation. Failure to have appropriate arrangements in place could portray a lack of transparency and could result in subsequent challenge to the decision-making process.

Summary of human resources implications

8. There are no human resources implications arising from this report.

Summary of environmental impact

9. There are no environmental implications arising from this report.

Summary of public health implications

10. There are no public health implications arising from this report.

Summary of equality implications

11. There are no equality implications arising from this report.

Summary of risk assessment

12. There are no risks arising from this report.

Appendices

Appendix 1 – Suggested list of sub-committee memberships October 2019 to April 2020.

Appendix 1

Suggested list of sub-committee memberships, October 2019 to April 2020.

Date of Sub Committee	Membership
15 October 2019	Cllrs Bagwell, Baron, Burton – Butler (reserve)
29 October 2019	Cllrs J Butt, Decent, Dion – Dove (reserve)
12 November 2019	Cllrs Dunlop, Farquhar, Farr – Flagg (reserve)
26 November 2019	Cllrs T Johnson, Kelsey, Parrish – Bagwell (reserve)
10 December 2019	Cllrs Baron, Burton, Butler – J Butt (reserve)
14 January 2020	Cllrs Decent, Dion, Dove – Dunlop (reserve)
28 January 2020	Cllrs Farquhar, Farr, Flagg – T Johnson (reserve)
4 February 2020	Cllrs Kelsey, Parrish, Bagwell – Baron (reserve)
18 February 2020	Cllrs Burton, Butler, Butt – Decent (reserve)
3 March 2020	Cllrs Dion, Dove, Dunlop – Farquhar (reserve)
17 March 2020	Cllrs Farr, Flagg, T Johnson – Kelsey (reserve)
31 March 2020	Cllrs Parrish, Bagwell, Baron – Burton (reserve)
14 April 2020	Cllrs Butler, J Butt, Decent – Dion (reserve)
28 April 2020	Cllrs Dove, Dunlop, Farquhar – Farr (reserve)