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**LICENSING SUB-COMMITTEES**

Committee: Licensing Committee

Date: 11 September 2019

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[U60]

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1.0 **ISSUE**

1.1 To consider arrangements for Licensing Sub-Committees.

2.0 **RECOMMENDATION(S)**

2.1 That approval be given to the revised Terms of Reference for the Licensing Sub-Committees attached at Appendix 1 on the following basis:

- Licensing (Statutory) Sub-Committee: fixed membership of 3, on a proportionate basis of 2 Conservative and 1 Lib Dem Member with up to 2 named substitutes from each Political Group drawn from the Membership of the Licensing Committee, and that Licensing Committee appoint Members to this Sub-Committee on that basis;
- Licensing (Non-Statutory) Sub-Committee: fixed membership of 5 (with a quorum of 3) drawn from the Membership of the Licensing Committee (Current composition agreed by Annual Council: 2 Conservative and 3 Lib Dem Councillors).

2.2 That the Legal Services Manager and Monitoring Officer be authorised to make the necessary consequential amendments to the Licensing Committee Terms of Reference and other relevant documents in the Constitution.

3.0 **BACKGROUND/OPTIONS**

3.1 From July 2007, responsibility for the conducting of Hearings for Taxi Licensing, Licensing Act 2003, Gambling Act 2005 and more recently Scrap Metal Dealers licenses was delegated to a Licensing Sub-Committee comprising 3 Members and 1 reserve Member from the Licensing Committee (who had appropriate training), who were appointed on a rotational basis from the Licensing Committee.

3.2 Due to the changed political circumstances arising from the District Council elections in May 2015, which resulted in only 3 opposition Members on the Council overall and only 1 on Licensing Committee (Councillor Sue Austen), meaning that Councillor Sue Austen had to be a Member of any Licensing Sub-Committee, Licensing Committee in June 2015 agreed that it was more appropriate for the Licensing Sub-Committee to have a fixed membership of 5,

on a 4 Conservative and 1 Lib Dem basis, with a quorum of 3. Since then, this fixed Sub-Committee has been used to conduct Hearings for Taxi Licensing, Licensing Act 2003, Gambling Act 2005, etc.

3.3 This has had the advantage of stability and consistency, enabled Sub-Committee Members to develop experience and skills in these areas, and meant that specialist training could be provided for Sub-Committee Members, as required.

3.4 At Annual Council on 30 May 2019 following the District Council Elections, the Conservative Group agreed to cede a place on Licensing Sub-Committee to the Lib Dem Group (in accordance with the overall proportionality calculations) meaning that the current membership of Licensing Sub-Committee is as follows:

Conservative: Councillors Huffer and Sharp

Lib Dem: Councillors Austen, Jones, and Alison Whelan

3.5 However, following the attendance by the Senior Licensing Officer at an 'ask the experts' forum at a recent Institute of Licensing (IOL) training day, it appears that for the Statutory Licensing functions (Licensing Act 2003 and Gambling Act 2005) these should by law only be delegated to a Sub-Committee of 3. This means that any Licensing Act and Gambling Act application Hearings should be dealt with by a Sub-Committee of 3 and not of 5. Under the circumstances, it is proposed to establish a separate Licensing (Statutory) Sub-Committee to deal with hearings for these two types of applications. This Sub-Committee would have a fixed membership of 3, on a proportionate basis of 2 Conservative and 1 Lib Dem Member and with up to 2 named substitutes from each Political Group, all drawn from the Membership of the Licensing Committee. The two named substitutes would allow for situations where a Member of the Sub-Committee is unable to attend or has to absent themselves due to an interest or other reason. Therefore, the Licensing Committee is requested to appoint Members to this Sub-Committee on that basis.

3.6 The current Licensing Sub-Committee then would become the Licensing (Non-Statutory) Sub-Committee, retaining its current membership and dealing with Hearings for all other types of applications such as Taxi and Private Hire, Street Trading Licences/Consents. Scrap Metal Dealer and Animal Welfare (Kennels, Catteries, Animal Boarding, Zoos) Licensing activities are delegated to officers.

3.7 In the past 3 years, Sub-Committees have been held as follows:

14 October 2016 – 2003 Act Premises licence

10 November 2016 – Taxi licence

31 March 2017 (1) – Taxi licence

31 March 2017 (2) – Taxi licence

11 April 2017 – 2003 Act Premises licence

11 August 2017 – 2003 Act Premises licence

5 December 2017 (1) – Taxi licence

5 December 2017 (2) – Taxi licence

30 November 2018 – Street Trading Consent  
10 January 2019 (1) – 2003 Act Premises licence  
10 January 2019 (2) – 2003 Act Premises licence

3.8 When selecting the Members from the Licensing Committee to be appointed to the Sub-Committees, the Committee should attempt to ensure a spread of representation from across the different areas of the District and to avoid appointing Members to the Sub-Committees who may have to regularly absent themselves from Hearings due to Disclosable Pecuniary Interests (DPIs), Prejudicial Interests, or other conflicts of interest.

#### 4.0 ARGUMENTS/CONCLUSIONS

4.1 The above proposals would ensure that applications are dealt with in a consistent, fair, efficient and effective manner, in accordance with the law, and to avoid Legal challenge.

#### 5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

5.1 There would be a Special Responsibility Allowance for the Chairman of both Sub-Committees of £612 per annum.

5.2 Equality Impact Assessment (INRA) not required.

#### 6.0 APPENDICES

6.1 Appendix 1 – Revised Terms of Reference for Licensing Committee and Licensing Sub-Committees

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<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
Report and Minute of Licensing Committee 11 July 2007 on Establishment of Taxi Licensing Sub-Committee	Room 214B The Grange Ely	Tracy Couper Democratic Services Manager (01353) 616278 E-mail: <a href="mailto:tracy.couper@eastcambs.gov.uk">tracy.couper@eastcambs.gov.uk</a>
Report and Minute of Licensing Committee 17 June 2015 on Licensing Sub-Committees		