

Report for: Licensing Committee – 15 May 2023

Title: Establishment of the Licensing Sub-Committee 2023/24

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Ward(s) affected: All

1. Describe the issue under consideration

- 1.1 To note the establishment of the Licensing Sub-Committee for the 2023/24 Municipal Year including its terms of reference.

2. Cabinet Member Introduction

Not applicable.

3. Recommendations

The Licensing Committee is asked:

- 3.1 To agree the establishment of a Licensing Sub-Committee for the 2023/24 municipal year.
- 3.2 To agree the establishment of the Licensing Sub-Committee with the same membership as the Licensing Committee.
- 3.3 To confirm the terms of reference of the Licensing Sub-Committee as set out within the Council's constitution, attached as Appendix 1 to the report.

4. Reasons for decision

- 4.1 To support the discharge of licensing functions as set out within Part 3, Section B of the Council's constitution.

5. Alternative options considered

Not applicable.

6. Background information

Licensing Committee

- 6.1 The Full Council appoints the membership of the Licensing Committee including its Chair and Vice-Chair. By law there must be at least 10 but no more than 15 appointed members.

- 6.2 The Council can determine the terms of reference of the Committee. These are currently set out in Part 3 Section B of the Council's constitution and attached as Appendix 1 to this report. Members are invited to note the Committee's terms of reference.

Establishing the Licensing Sub-Committee

- 6.3 The Licensing Committee may establish Licensing Sub-Committees to conduct hearings. Although the membership for these has been reported to Annual Council, legally it is the Licensing Committee that fixes these Sub-Committee membership and confirms its terms of reference.
- 6.4 The membership of Licensing Sub-Committees is fixed by law at three members. The Council's own Local Licensing Procedure Rules set the quorum for hearings at three members as this is considered to promote better decision-making.
- 6.5 It is proposed that the membership of the Licensing Sub-Committee is the same as the Licensing Committee and that, for each hearing, three members of the Licensing Committee will be appointed to sit on the Licensing Sub-Committee.
- 6.6 All members of the Licensing Committee will be consulted on their availability when it is known that a Licensing Sub-Committee meeting is required. From responses received, three members will be notified that they have been selected to serve on the Licensing Sub-Committee and all members of the Licensing Committee will be advised accordingly. (Note: All efforts will be made to ensure that all members of the Licensing Committee share Sub-Committee responsibilities on an equal basis.) While there is no requirement in law for the statutory licensing committee (or its sub-committees) to reflect political balance, historically this has been done as a matter of good governance.
- 6.7 The Chair of the Licensing Committee shall chair the Licensing Sub-Committee. In their absence, the Vice Chair shall chair the Licensing Sub-Committee. In the absence of both the Chair and the Vice Chair, a member of the Licensing Committee who is trained to Chair licensing meetings will be proposed and seconded as Chair of the meeting.
- 6.8 On occasion, an appointed member of a Licensing Sub-Committee cannot take part in a decision, for example if premises are located in the member's ward. In such cases, it will be necessary to appoint a substitute member, often at short notice. Any such substitution will be made in accordance with the provisions of Part 4, Section B, of the constitution. Additional delegations are made to the Democratic Services Manager (Part 3, Section E of the constitution) for the appointment of a substitute Licensing Sub-Committee member from the members of the Licensing Committee in order to prevent an inquorate meeting. Substitute members would always be trained members of the Licensing Committee.
- 6.9 Members of the Committee are asked to confirm the terms of reference of the Licensing Sub-Committee. These are set out in Part 3, Section B of the constitution and are attached as Appendix 2 to this report.

7. Statutory Officers' comments (Chief Finance Officer (including procurement), Head of Legal & Governance (Monitoring Officer), Equalities)

7.1 Chief Finance Officer

There are no financial implications arising from the recommendations in this report.

7.2 Head of Legal & Governance (Monitoring Officer)

The Head of Legal & Governance (Monitoring Officer) has been consulted and approves the content of this report.

7.3 Equalities

The Council has a public sector equality duty under S149 of the Equality Act 2010 to have due regard to need to:

- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- advance equality of opportunity between people who share those protected characteristics and people who do not;
- foster good relations between people who those characteristics and people who do not.

An initial screening of the proposals in this report has been completed and the proposals carry no implications for any aspect of the duty outlined above.

8. Use of Appendices

Appendix 1: Licensing Sub-Committee terms of reference

9. Local Government (Access to Information) Act 1985

10.1 Not applicable.