

Haringey Council

<b>Report for:</b>	<b>Regulatory Committee 23 May 2013</b>	<b>Item Number:</b>	
<b>Title:</b>	<b>Establishment of Licensing Sub-Committees</b>		
<b>Report Authorised by:</b>	<b>David McNulty, Head of Local Democracy and Member Services Bernie Ryan, Head of Legal Services</b> <i>Bernie Ryan</i> <i>D. McNulty</i>		
<b>Lead Officer:</b>	<b>Clifford Hart, Democratic Services Manager, x2920</b>		
<b>Ward(s) affected: All</b>	<b>Report for Key/Non Key Decisions: Non-key</b>		

**1. Describe the issue under consideration**

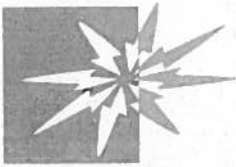
- 1.1 To establish two Licensing Sub-Committees to conduct both the statutory and non-statutory licensing functions of the Council as set out in Part Three, Section C of the Council's Constitution which is attached as Appendix 3 to this report.

**2. Cabinet Member introduction**

N/A

**3. Recommendations**

- 3.1 To note the terms of reference of the Regulatory Committee in the Council's Constitution attached as Appendix 1, and confirm the terms of reference of the Licensing Sub-Committees attached as Appendix 3 to this report.



- 3.2 That Members agree the establishment of two Licensing Sub-Committees with the membership set out in Appendix 2 to this report (to follow once membership is confirmed at Annual Council on 20 May) to conduct both the statutory and non-statutory licensing functions of the Council as set out in Part Three, Section C of the Council's Constitution which is attached as Appendix 3 to this report.
- 3.3 That Members note the provisions in the Committee Procedure Rules, Part 4, Section B of the Constitution and the delegations to the Head of Local Democracy and Member Services (Appendix E Section 9 paragraph 1.5 of the Constitution), attached at Appendix 4 to this report, for the appointment of a substitute Member of a Licensing Sub-Committee from among the Members of the Regulatory Committee when the permanent Sub-Committee Member is unable to attend for any reason.
- 3.4 To note that the Council Procedure Rules in Part 4 B of the Constitution do not apply to licensing hearings only in those areas where they conflict with the Local Licensing Procedure Rules and the relevant Acts and Regulations which take precedence.

#### **4. Other options considered**

N/A.

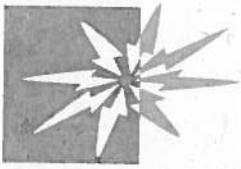
#### **5. Background information**

##### **Regulatory Committee**

- 5.1 The full Council appoints the membership of the Regulatory Committee including its Chair and Vice-Chair. By law there must be at least 10 but no more than 15 appointed Members. The Committee can still meet and undertake its business with a quorum of 4 Members.
- 5.2 The Council can determine the terms of reference of the Committee. These are currently set out in Part 3 C of the Council's Constitution and attached as Appendix 1 to this report.

##### **Establishing the Licensing Sub-Committees**

- 5.3 The Regulatory Committee may establish Licensing Sub-Committees to conduct both the statutory and non-statutory licensing functions of the Council as set out in Part Three, Section C of the Council's Constitution which is attached as Appendix 3 to this report. Although the membership for these has been reported to Annual Council, it is the Regulatory Committee that fixes these Sub-Committees' membership and confirms their terms of reference.
- 5.4 Last year there were 2 Licensing Sub-Committees to deal with contested applications. It is anticipated that the volume of applications will continue for the foreseeable future. It is recommended that 2 Licensing Sub-Committees be



appointed and this should be sufficient. The appointed membership of the statutory Sub-Committees is fixed by law at 3 Members. The Council's own Local Licensing Procedure Rules set the quorum for hearings at 3 Members since this promotes better decision-making.

- 5.5 The membership of the 2 Licensing Sub-Committees will be set out in Appendix 2 to this report, which will be circulated once the membership of the full Regulatory Committee is confirmed.
- 5.6 On occasion an appointed Member of a Licensing Sub-Committee cannot take part in the decision on a particular case, for example, due to a conflict of interest or if the premises in question is located in the Member's own Ward. In such cases, and any other case where a Member is unexpectedly absent or seriously late, 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 Appendix E, Section 9, Paragraph 1.5(k) and 1.5(l) of the Constitution. Substitute Members would always be trained Members of the Regulatory Committee who were able to make themselves available.
- 5.7 Members of the Committee are asked to note the terms of reference of the Licensing Sub-Committees. These are set out in Part 3 C of the Constitution and attached as Appendix 3 to this report. Reports on matters of general concern and decisions on general procedural issues will come to the Regulatory Committee.

## **6. Comments of the Chief Finance Officer and financial implications**

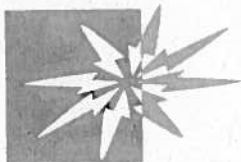
- 6.1 The Chief Finance Officer confirms that there are no financial implications arising from the recommendations in this report.

## **7. Head of Legal Services and legal implications**

- 7.1 The Head of Legal Services has been consulted and approves the content of this report.

## **8. Equalities and Community Cohesion Comments**

- 8.1 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.



8.2 Policy and Equalities Team have been consulted in the preparation of this report and they comment that the proposals outlined in this report carry no apparent implications for the any aspect of duty outlined above.

## **9. Head of Procurement Comments**

N/A

## **10. Use of Appendices**

10.1 Appendix 1 to this report is the terms of reference of the Regulatory Committee

10.2 Appendix 2 to this report is the proposed membership of the two Licensing Sub-Committees (to follow)

10.3 Appendix 3 to this report is the terms of reference of the Licensing Sub-Committees

10.4 Appendix 4 to this report is the extracts from the Committee Procedure Rules and Scheme of Delegation to officers in respect of substitution arrangements.

## **11. Local Government (Access to Information) Act 1985**

11.1 The following background papers were used in the preparation of this report:

(i) The Council's Constitution and (ii) Local Licensing Procedure rules.