
New Arrangements for Licensing Sub-Committees – Summary Report

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| Committee considering report: | Council on 4 July 2017 |
| Portfolio Member: | Councillor Graham Jones |
| Date Portfolio Member agreed report: | 11 May 2017 |
| Report Author: | Moir Fraser |
| Forward Plan Ref: | C3308 |

1. Purpose of the Report

- 1.1 To increase the number of Members on Licensing Sub-Committees from three to four with no substitute required

2. Recommendations

- 2.1 To agree that the Panel for future Licensing Sub-Committee meetings will consist of four Members with no substitute required.
- 2.2 Subject to agreement with paragraph 2.1 the necessary changes to be made to the Council's Constitution.

3. Implications

- 3.1 **Financial:** None
- 3.2 **Policy:** The Constitution would have to be amended to reflect the changes
- 3.3 **Personnel:** N/a
- 3.4 **Legal:** The Constitution would have to be amended to reflect the changes.
- 3.5 **Risk Management:** N/a
- 3.6 **Property:** N/a
- 3.7 **Other:** N/a

4. Other options considered

- 4.1 To retain the current arrangements.

Executive Summary

5. Introduction / Background

- 5.1 The Licensing Act 2003 gave responsibility for licensing to local authorities. Section 6 of the Act provides that the licensing authority must establish a committee, which should consist of at least 10 but no more than 15 members. In turn the Licensing Committee could delegate some of its functions to a Sub-Committee that had been established by it.
- 5.2 West Berkshire Council's Licensing Committee comprises 12 Members, reflecting the political composition of the Authority and it is not permitted to appoint substitutes.
- 5.3 The Constitution also sets out in paragraphs 2.8.2 and 2.8.3 of Part 02 – Articles of the Constitution that the Licensing Committee will appoint, as and when necessary, a Sub-Committee to determine applications where representations have been received (as set out in Part 3 (Scheme of Delegation)). Currently each Sub-Committee comprises three Members and a named substitute drawn from the membership of the Licensing Committee. It should be noted that no Members are able to determine an application from within their own Ward.
- 5.4 When this provision came into effect in 2005 over 150 Licensing applications were received in the first year and consequently Committee Members had numerous opportunities to sit on Licensing Sub-Committee hearings. Some of those applications would have been mediated out negating the need to hold a Licensing Hearing but the Sub-Committee would still have determined over 100 applications during that period. However, in 2015 and 2016 the number of applications heard by the Sub-Committee had dropped to 4 per year.

6. Proposal

- 6.1 At an informal meeting held with Members of the Licensing Committee in March 2017 a discussion took place on the membership of Licensing Sub-Committees and it was proposed that in order to provide Members with the opportunity to gain the necessary relevant experience the number of Members sitting on a Licensing Sub-Committee should be increased to four with no substitutes being appointed. The quorum for a Sub-Committee would be three.
- 6.2 In addition, under the current arrangement, the substitute was required to stay on in the hearing in case an unexpected conflict of interest or illness arose. There had been no requirement for the substitute to replace a panel member in the recent past. This has meant that the substitute has to attend the pre-meeting and hearing, but then has to leave when the deliberations start which Members have found frustrating.
- 6.3 There would be no budgetary implication, should Members be minded to approve this recommendation, as the current requirement for a substitute to be in attendance would no longer be necessary.

7. Conclusion

- 7.1 Those Members of the Licensing Committee who were in attendance at the informal meeting in March 2017 agreed, in principle, with the proposal to increase the number of Members sitting on a Licensing Sub-Committee from three to four (with no substitute required). The four Members would be drawn from the existing twelve Members of the Licensing Committee. This proposal would therefore ensure that all Members of the Committee have the opportunity to sit and gain experience on Licensing Sub-Committees and would reduce the frustration of Members having to sit through all the proceedings but not taking part in the decision making process.
- 7.2 The proposal was discussed at the Governance and Ethics Committee on the 19 June 2017 where it received unanimous support from all Members present.