
LICENSING SUB-COMMITTEES

Committee: Licensing Committee

Date: 17 June 2015

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Manager/Principal Solicitor and Monitoring Officer

[Q11]

1.0 ISSUE

- 1.1 To consider arrangements for Licensing Sub-Committees as a result of the changed political circumstances of the Council arising from the District Council elections.

2.0 RECOMMENDATION(S)

- 2.1 That approval be given to the revised Terms of Reference for the Licensing Sub-Committee attached at Appendix 1 on the basis of a fixed membership of 5, (4 Conservatives and 1 Lib Dem) with a quorum of 3, and that 5 Members of the Licensing Committee be appointed to the Sub-Committee.
- 2.2 That full Council be requested to authorise the Principal Solicitor and Monitoring Officer to make the necessary amendments to the Officer Delegations in the Terms of Reference for the Licensing Committee within the Constitution, to enable the Environmental Services Manager or Director Regulatory Services to grant, refuse, renew, suspend or revoke licences, unless the Environmental Services Manager or Director Regulatory Services, in consultation with the Chairman of the Committee, decide that the matter should be referred to a Licensing Sub-Committee for determination.

3.0 BACKGROUND/OPTIONS

- 3.1 Since July 2007, responsibility for the conducting of Hearings for Taxi Licensing, Licensing Act 2003, Gambling Act 2005 and more recently Scrap Metal Dealers licenses has been delegated to a Licensing Sub-Committee comprising 3 Members and 1 reserve Member from the Licensing Committee (who have 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 have resulted in only 3 opposition Members on the Council overall and only 1 on Licensing Committee (Councillor Sue Austen), the opportunity has been taken to review the arrangements for Licensing Sub-Committees. Because of the Proportionality rules, Councillor Sue Austen now will have to be a Member of any Licensing Sub-Committee, so it is now considered 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. This fixed Sub-Committee then can be used to conduct Hearings for Taxi Licensing, Licensing Act 2003, Gambling Act 2005 and Scrap Metal Dealers licenses. The proposed Terms of Reference for the Sub-Committee are attached at Appendix 1.

- 3.3 This will have the advantage of stability and consistency, enable Sub-Committee Members to develop experience and skills in these areas, and specialist training can be provided for Sub-Committee Members, as required.
- 3.4 When selecting the 5 Members from the Licensing Committee to be appointed to the Sub-Committee, 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-Committee who may have to regularly absent themselves from Hearings due to Disclosable Pecuniary Interests (DPIs), Prejudicial Interests, or other conflicts of interest.
- 3.5 In addition to the above, it is also proposed to revise the officer delegations relating to such applications, to enable the Environmental Services Manager or Director Regulatory Services to grant, refuse, renew, suspend or revoke licences, unless the Environmental Services Manager or Director Regulatory Services, in consultation with the Chairman of the Committee, decide that the matter should be referred to a Sub-Committee for determination. This, for example, would prevent applicants with long-spent convictions having to come before the Sub-Committee, and would bring this Committee in line with the practice adopted for the Planning Committee and the practices adopted by other Licensing Committees both locally and nationally.

4.0 ARGUMENTS/CONCLUSIONS

- 4.1 The above proposals would ensure that applications are dealt with in a more consistent, fair, efficient and effective manner, having regard to the changed political circumstances of the Council.

5.0 FINANCIAL IMPLICATIONS/EQUALITY IMPACT ASSESSMENT

- 5.1 There would be a Special Responsibility Allowance for the Chairman of the Sub-Committee of £463 per annum.
- 5.2 Equality Impact Assessment (INRA) not required.

6.0 APPENDICES

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

<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 Principal Democratic Services Officer (01353) 616278 E-mail: tracy.couper@eastcambs.gov.uk