
LICENSING SUB-COMMITTEES

Committee: Licensing Committee

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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

LICENSING SUB-COMMITTEE

1.0 Constitution

- 1.1 The Sub-Committee comprises of five Members appointed from the Licensing Committee (who have had appropriate training). Its quorum is three.
- 1.2 The Sub-Committee conducts hearings which are not governed by statutory rules but nevertheless follow the rules of natural justice

2.0 Objectives

- 2.1 To deal efficiently and fairly with matters referred to it, as openly as possible.
- 2.2 To consider the legislation, any relevant licensing policy or government guidance and to act in accordance with these for the protection of the public.

3.0 Terms of Reference

The Taxi Licensing Sub-Committee Terms of Reference: to consider Private Hire and Hackney Carriage licensing applications / matters and decide, where relevant, to grant / refuse to renew / suspend / revoke licences in circumstances where:

- The applicant taxi driver has previous convictions / cautions (whether “spent” or not under the Rehabilitation of Offenders Act 1974) or where there has been “soft” information received from the Police, Disclosure and Barring Service (DBS) or other relevant overseas agency.
- There is an allegation against a licensed taxi driver (whether or not this matter is for alleged breach of condition / *relevant* civil action or *relevant* criminal offence). This will not include pending prosecutions by the Council, but may include those being considered by the Police / CPS or other enforcement agency.
- A licensed taxi driver has been convicted of a relevant criminal offence.
- In the opinion of the Principal Solicitor / Environmental Services Manager there is a potential conflict of interest in the application with officers in the Licensing Section and / or Environmental Services.

The Licensing (Licensing Act 2003 and Gambling Act 2005) Sub-Committee Terms of Reference: to consider premises licence, club premises certificate, personal licence and temporary event notice applications / notifications / matters and decide, where relevant, to grant / refuse / renew or revoke under the Licensing Act 2003 and the Gambling Act 2005 in circumstances where:

Licensing Act 2003

- representations made by the police for a personal licence
- representations made for a premises licence/club premises certificate
- representations made for a provisional statement
- representations made relating to the variation of a premises licence/club premises certificate
- representations made by the police for the transfer of a premises licence
- representations made by the police for an interim authority
- review of a premises licence/club premises certificate
- representations made by the police and / or Environmental Services to a standard temporary event notice

Gambling Act 2005

- representations received and not withdrawn for a premises licence
- representations received and not withdrawn for variation to a licence
- representation received from the Gambling Commission for a transfer of a licence
- representations received and not withdrawn for a provisional statement
- review of a premises licence
- objections made and not withdrawn for club gaming / club machine permits
- cancellation of club gaming / club machines permits
- decision to give a counter notice to a temporary use notice

The Scrap Metal Dealers Licensing Sub-Committee Terms of Reference: to consider scrap metal dealers license application matters and decide where relevant, to grant, refuse, revoke or vary a license, in circumstances where:

- the applicant or any site manager has been convicted of any relevant offence;
- the applicant or any site manager has been the subject of any relevant enforcement action;
- any previous refusal of an application for the issue or renewal of a scrap metal licence (and the reasons for refusal);
- any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal);
- any previous revocation of a scrap metal licence (and the reasons for the revocation);
- the applicant has demonstrated that there will be in place adequate procedures to ensure that the provisions of this Act are complied with.