



COUNCIL

29TH SEPTEMBER 2015

AGENDA ITEM (13)

MEMBERSHIP OF LICENSING SUB-COMMITTEES

Accountable Members	Council (as the Licensing Authority)
Accountable Officer	Ian Church Legal Officer 01285 623225 ian.church@cotswold.gov.uk Nigel Adams Head of Democratic Services 01285 623202 nigel.adams@cotswold.gov.uk
Purpose of Report	To consider membership arrangements in relation to the current Licensing Sub-Committees.
Recommendations	(a) That the Council considers whether membership of the Licensing Sub-Committee (Hackney Carriage/Private Hire and Street Trading Consent Matters) should be widened to any Member of the Council who has received the relevant training; (b) that, if a change is agreed, the Head of Democratic Services be authorised to make the necessary changes to the Constitution.
Reason(s) for Recommendations	If approved, the change would (i) increase the 'pool' of councillors from which the sub-committee membership can be drawn; (ii) reduce the burden on the members of the current combined Planning and Licensing Committee; and (iii) take advantage of current experience and expertise.
Ward(s) Affected	N/A
Key Decision	No
Recommendation to Council	No
Financial Implications	None
Legal and Human Rights Implications	All of the Council's licensing functions should be carried out in accordance with the law in an efficient and cost-effective manner. By law, membership of the Licensing Sub-Committee (Licensing Act 2003 Matters) must comprise councillors who serve on the parent Committee.

Environmental and Sustainability Implications	None
Human Resource Implications	None
Key Risks	None

Equalities Analysis	Not required
----------------------------	--------------

Related Decisions	None
Background Documents	Licensing legislation and guidance
Appendices	None

Performance Management Follow Up	Implement Council decision
---	----------------------------

Background Information

1. Under the provisions of the Licensing Act 2003, the Council must establish a Licensing Committee consisting of at least ten, but not more than fifteen, Members of the authority.
2. All matters relating to the discharge by the Council of the licensing functions conferred on it by the 2003 Act are to be discharged on behalf of the Council by that Committee.
3. In turn, the Licensing Committee may delegate the discharge of any of its functions by a Sub-Committee or Sub-Committees.
4. Any Scheme of Delegation is a matter for each individual licensing authority, having regard to the interests of speed, efficiency and cost-effectiveness.
5. In our case, the vast majority of operational decisions have been delegated to the following two Sub-Committees (and officers):-
 - (i) Licensing Sub-Committee (Licensing Act 2003 Matters);
 - (ii) Licensing Sub-Committee (Hackney Carriage/Private Hire and Street Trading Consent Matters).
6. Policy/strategic decisions were retained by the parent committee.
7. In February 2015, the Council agreed to the combination of the then stand-alone Planning Committee and Licensing Committee. This decision was largely based on the fact that the majority of the work relating to licensing was being conducted by the sub-committees and the Licensing Committee had rarely met in previous years - at the time of the Council decision, only one meeting of the main committee had been held that year, for a single item; during 2013/14, there had only been two main committee meetings dealing with three items (one of which - relating to scrap metal dealers - had subsequently been made a possible executive function).

8. The workload for Members of the combined Committee is clearly significantly more than for those Members who had previously served on the former Licensing Committee, even without taking any account of Licensing Sub-Committee work. Similarly, there are a number of Members who no longer undertake Licensing Sub-Committee work as they are not on the parent committee, despite having a significant knowledge and expertise in such matters.

9. Against this background, a number of Members have enquired as to whether it would be possible for membership of the Licensing Sub-Committees to be drawn from the Council as a whole, rather than just the parent Planning and Licensing Committee. It is argued that such an arrangement would (i) increase the 'pool' of councillors from which sub-committee membership can be drawn, and thereby reduce the burden on the Members of the current combined Planning and Licensing Committee (whose workload is significant without the sub-committee meetings); (ii) provide an additional 'workstream' for those Members who are not on the combined parent Committee; and (iii) would utilise the experience and knowledge of other members who are already trained in licensing matters (or who would wish to be).

10. Applications under the Licensing Act 2003 must be considered by a Sub-Committee specifically convened to deal with matters under that Act, and only such matters, and must comprise three Members of the parent Committee. As such, no change can be made in this regard.

11. However, there is no such restriction in respect of the Sub-Committee which determines applications for Private Hire/Hackney Carriage Licences and Street Trading Consent matters (and which, ordinarily, comprises five Members).

12. This suggestion has not been considered by the parent Planning and Licensing Committee, but has been presented direct to Council given the membership principles involved and the fact that the Council is the Licensing Authority. It is, however, hoped that Planning and Licensing Committee Members will contribute to the debate by providing comments based on their own experience of managing workloads.

(END)