



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	PLANNING AND LICENSING COMMITTEE, 14 JUNE 2023
Subject	APPOINTMENTS TO LICENSING SUB-COMMITTEES
Wards affected	None
Accountable member	Councillor Ray Brassington, Chair of Planning and Licensing Committee Email: Ray.Brassington@Cotswold.gov.uk
Accountable officer	Angela Claridge, Director of Governance and Development (Monitoring Officer) Email: Angela.Claridge@Cotswold.gov.uk
Report author	Ana Prelici, Democratic Service Officer Email: Ana.Prelici@cotswold.gov.uk
Summary/Purpose	To invite the Licensing Committee to confirm the appointment of Sub-Committees for the 2023/24 municipal year.
Annexes	Annex A – Nominated Members for Licensing Sub-committee (Taxi, Private Hire and Street Trading) Annex B – Rota for Licensing Sub-Committee (Licensing Act 2003 Matters)
Recommendation(s)	<i>That the Planning and Licensing Committee resolves to:</i> <i>a) Appoint five members of the Committee to the Licensing Sub-Committee (Taxi, Private Hire and Street Trading) in accordance with political proportionality and the wishes of political groups (3 Liberal Democrat, 2 Conservative)</i> <i>b) Note that Licensing Sub-Committee membership will comprise the Chair or Vice Chair of the Planning and Licensing Committee and two other members of the Planning and Licensing Committee drawn on a rota basis from the remaining members of the Planning and Licensing Committee (subject to their availability and completion of licensing training prior to participation in a Licensing Sub Committee (Licensing Act 2003) meeting).</i>
Corporate priorities	Deliver the highest standard of service



Key Decision	NO
Exempt	NO
Consultees/ Consultation	Political groups that are entitled to seats on the sub-committee were asked to nominate members.

- 1.1 The Council's Constitution provides that the Planning and Licensing Committee will appoint to two Sub-Committees which have certain functions and responsibilities:
- Licensing Sub Committee (Licensing Act 2003)
 - Licensing Sub Committee (Taxi, Private Hire and Street Trading)
- 1.2 The power to appoint members to Sub-Committees lies with the parent committee i.e. the Planning and Licensing Committee.

2. LICENSING SUB COMMITTEE (TAXI, PRIVATE HIRE AND STREET TRADING)

- 2.1 This Sub-Committee is responsible for determining taxi, private hire and street trading applications in certain circumstances e.g. where relevant offenses feature on the Disclosure and Barring Service (DBS) check, or where representations are made on the review of a license. The provisions of the Local Government Act 1972 relating to Sub-Committees apply to the Licensing Sub-Committee, meaning the membership must be appointed for a specified period of time (usually the duration of a municipal year), in accordance with political proportionality. Meetings of this sub-committee are scheduled to take place monthly, c. 2 weeks after each meeting of the Planning and Licensing Committee, but these meetings will only go ahead where there are applications to determine.
- 2.2 It is proposed that the Planning and Licensing Committee appoints five members of the committee to the Licensing Sub Committee (Taxi, Private Hire and Street Trading) for the 2023/24 municipal year, in accordance with political proportionality, as set out in Table 1 below.



Table 1: Political proportionality on a five member Sub-Committee

Group	Liberal Democrat	Conservative	Green	Independent	Total
Real entitlement	3.09	1.32	0.29	0.29	5 [†]
Rounded entitlement	3	1	0	0	5
Seats allocated	3	2	0	0	5

**Non-grouped independent members impact overall proportionality but do not have an automatic entitlement to seats on committees and sub-committees.*

†figure not summable due to rounding to two decimal places

- 2.3** Three seats were initially allocated to the Liberal Democrat Group, and one to the Conservative group, leaving a final seat to be allocated. No independent members sit on the Planning and Licensing Committee. The Leader of the Green Group, who is that group's sole representative on the Planning and Licensing Committee, did not wish to take up the final seat, so the final seat is allocated to the Conservative Group.

3. LICENSING SUB COMMITTEE (LICENSING ACT 2003)

- 3.1** The Licensing Sub Committee (Licensing Act 2003) is responsible for determining Personal Licenses and Premises Licenses where representations are received, and for considering whether to grant Temporary Event Notices where objections are received from the Police or Environmental Health. This sub-committee meets on an ad hoc basis when there are applications to consider.



- 3.2** The Licensing Sub Committee (Licensing Act 2003) is a Sub-Committee which is governed by the provisions of the Licensing Act 2003 rather than the Local Government Act 1972. Under the Licensing Act 2003, the Planning and Licensing Committee must establish one or more Sub-Committees comprising three members of the Planning and Licensing Committee. This sub-committee is not subject to political proportionality and the membership does not have to be fixed for a specified period of time. It is a requirement of the Council's Constitution that the members participating in Licensing Sub Committee (Licensing Act 2003) meetings have completed licensing training.
- 3.3** It is proposed that the membership of this sub-committee will comprise the Chair or Vice Chair of the Planning and Licensing Committee (who will chair the sub-committee) and two other members of the Planning and Licensing Committee drawn on a rota basis from the remaining members of the Planning and Licensing Committee (subject to their availability and completion of licensing training prior to participation), as illustrated in Annex B. Officers will also seek to identify a fourth Member of the Planning and Licensing Committee to be on standby should any of the three sub-committee members be unable to participate in the determination of an application at late notice.

4. CONCLUSIONS

- 4.1** The Planning and Licensing Committee is asked to confirm the appointment of members to the Licensing Sub Committee (Taxi, Private Hire and Street Trading) Sub-Committee and note the membership arrangements for the Licensing Sub Committee (Licensing Act 2003).

5. FINANCIAL IMPLICATIONS

- 5.1** There are no financial implications arising directly from the recommendations in this report.

6. LEGAL IMPLICATIONS

- 6.1** The legal issues relating to licensing sub-committees are detailed in the body of the report, specifically paragraphs 2.1 and 3.2.

7. RISK ASSESSMENT

- 7.1** Appointing sub-committees in accordance with the provisions of the law and the Constitution will help to ensure that licensing applications can be determined in a timely fashion and reduce the risk of challenge to decisions.

8. EQUALITIES IMPACT



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8.1 The Committee is advised to have due regard to the need to promote equality when appointing sub-committees with responsibility for determining licensing applications.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

9.1 There are no climate or ecological implications arising directly from the recommendations in this report.

10. ALTERNATIVE OPTIONS

10.1 If the Planning and Licensing Committee wishes to change the size of the Licensing Sub Committee (Taxi, Private Hire and Street Trading) Sub-Committee or membership arrangements for the Licensing Sub Committee (Licensing Act 2003) it could pass a resolution requesting that officers bring a report to a future meeting with alternative proposals.

11. BACKGROUND PAPERS

11.1 None

(END)