

BROMSGROVE DISTRICT COUNCIL

LICENSING COMMITTEE

7TH SEPTEMBER 2009

SUB-COMMITTEES OF THE LICENSING COMMITTEE

Responsible Portfolio Holder	Councillor Geoff Denaro
Responsible Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services

1. SUMMARY

- 1.1 This report suggests changes to the Licensing Committee's sub-committee structure.

2. RECOMMENDATION

It is recommended that:

- 2.1 The Taxi Licensing Sub-Committee be restructured and renamed with extended terms of reference.
- 2.2 Two fixed membership, politically balanced sub-committees be established with terms of reference as follows: "To determine applications relating to:
- private hire and hackney carriage driver, operator and vehicle licensing;
 - street trading consents;
 - sex shop applications;
 - pet shop licences;
 - animal boarding licences;
 - riding establishment licences; and
 - charitable collections"
- to be called the Licensing (Miscellaneous) Sub-Committees A and B, to be chaired by the Chairman of the Licensing Committee (or the Vice Chairman in his or her absence), to sit in strict rotation. Substitutes will be permitted provided they have met the training requirements determined by the Member Development Steering Group.
- 2.3 Public speaking be permitted at such Sub-Committee meetings, and authority be delegated to the Head of Legal, Equalities and Democratic Services in consultation with the Chairman and Vice-Chairman of the Licensing Committee to determine the procedure.
- 2.4 The terms of reference for the Licensing Sub-Committee be revised as follows: "To consider and determine applications and hearings arising from the Licensing Act 2003 and the Gambling Act 2005."

3. BACKGROUND

- 3.1 The Licensing Committee is responsible for the exercise of all powers and duties of the Council in licensing and for enforcement of licensing requirements. Some of those functions have been delegated by the Licensing Committee to its 2 sub-committees, the Licensing Sub-Committee and the Taxi Licensing Sub-Committee, and the functions delegated to the sub-committees relate to determination of certain types of applications relating to individuals or particular premises. However, at present there is an anomaly in that some applications relating to individuals or individual premises continue to be determined by the parent committee.
- 3.2 This anomaly has been brought to light in the context of the review of the street trading policy. It is considered likely that in future as a result of the proposed change in policy there will be substantially more applications for street licensing consents which will need to be determined, and convening meetings of the parent committee for such applications may prove to be cumbersome. Members are therefore requested to consider if such applications (and indeed any other applications currently determined by the parent committee) might be more appropriately dealt with by a sub-committee rather than by the parent committee. This would then leave the parent Licensing Committee which comprises 13 members with responsibility for strategy and policy and wider issues such as Designated Public Places Orders.
- 3.3 The current situation is as follows.
- 3.4 The Licensing Act 2003 requires the Council to have a Licensing Sub-Committee to determine certain applications and other types of hearing under the Licensing Act 2003 (such as applications for Premises Licences if relevant representations are received, or reviews of Premises Licences) in accordance with procedures set out in Regulations made under that Act. In addition, it is required to determine certain applications and other types of hearing under the Gambling Act 2005, again in accordance with procedures set out in Regulations made under that Act. This sub-committee is excluded from the usual rule that sub-committees must be politically balanced, and the Regulations provide that its membership may not exceed 3. The Licensing Sub-Committee does not deal with any other types of licensing applications.
- 3.5 The Taxi Licensing Sub-Committee carries out the functions of the Licensing Committee in determining applications relating to private hire and hackney carriage driver, operator and vehicle licensing, and enforcement of such licensing. It comprises 5 members of the Licensing Committee, is required to be politically balanced and is chaired by either the Chairman or Vice-Chairman of the parent committee.
- 3.6 Other types of licensing applications relating to street trading consents, sex shop, pet shop, animal boarding, riding establishment licences and

charitable collections, are currently referred to the parent Licensing Committee.

- 3.7 Members are requested to consider whether it would be more appropriate for the Taxi Licensing Sub-Committee to be restructured and renamed, with revised terms of reference to enable it to determine applications relating to:
- private hire and hackney carriage driver, operator and vehicle licensing;
 - street trading consents;
 - sex shop applications;
 - pet shop licences;
 - animal boarding licences;
 - riding establishment licences; and
 - charitable collections.

It is suggested that there would be 2 fixed membership, politically balanced sub-committees, each chaired by the Chairman (or in his or her absence the Vice-Chairman) of the Licensing Committee which would sit strictly in rotation to consider such applications. Substitutes would be allowed provided they have met the training requirements determined by the Member Development Steering Group. The suggestion of fixed membership of 2 sub-committees which will hear applications on a strict rotation basis is to ensure that all members are given the same number of opportunities to hear such applications.

- 3.8 It is suggested that this sub-committee might be more called the Licensing (Miscellaneous) Sub-Committee but members may consider another name more appropriate. The same public speaking rights would apply as are currently afforded in respect of other licensing matters, and it is recommended that authority be delegated to the Head of Legal, Equalities & Democratic Services in consultation with the Chairman and Vice-Chairman of the Licensing Committee to draft the public speaking rules appropriately.
- 3.9 It is not recommended that applications of the type referred to in paragraph 3.6 are referred to the current Licensing Sub-Committee which is constituted in accordance with the requirements of the Licensing Act 2003 and the procedures of which are set out in Regulations.
- 3.10 It is not proposed that there should be any changes to the Licensing Sub-Committee. However, the terms of reference for that sub-committee need to be updated to reflect the fact that it is responsible for dealing with applications and hearings arising from the Gambling Act 2005, and so members are requested to approve that revision to its terms of reference.

4. FINANCIAL IMPLICATIONS

- 4.1 None

5. LEGAL IMPLICATIONS

5.1 Section 102 of the Local Government Act 1972 as amended gives local authorities the power to appoint committees, and to committees to appoint sub-committees.

6. COUNCIL OBJECTIVES

6.1 N/a

7. RISK MANAGEMENT

7.2 No significant risks arising from this report have been identified, but any minor risks arising are being managed as follows:

Risk Register: Legal, Equalities and Democratic Services
Key Objective Ref No: 2
Key Objective: Effective ethical governance

8. CUSTOMER IMPLICATIONS

8.1 The recommendations will have little impact on customers.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 None

10. VALUE FOR MONEY IMPLICATIONS

10.1 None

11. OTHER IMPLICATIONS

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None
Environmental	None

12. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
------------------	-----------

Chief Executive	No
Executive Director - Partnerships and Projects	<u>No</u>
Executive Director - Services	<u>No</u>
Assistant Chief Executive	<u>No</u>
Head of Service	<u>Yes</u>
Head of Financial Services	<u>No</u>
Head of Legal, Equalities & Democratic Services	<u>Yes</u>
Head of Organisational Development & HR	<u>No</u>
Corporate Procurement Team	<u>No</u>

13. WARDS AFFECTED

All wards

14. APPENDICES

None

15. BACKGROUND PAPERS

None

CONTACT OFFICER

Name: Debbie Warren (on behalf of Claire Felton)
E Mail: d.warren@bromsgrove.gov.uk
Tel: (01527) 881609