

LICENSING COMMITTEE PROCEEDINGS

(Report by the Head of Administration)

1. INTRODUCTION

- 1.2 As Members will be aware, the Council have established a new Licensing Committee which is responsible for the discharge of the functions of the Council as licensing authority under the Licensing Act 2003. The only exception is the approval of the statement of licensing policy which is reserved to the Council.
- 1.3 The Act makes specific reference to the proceedings of the Committee and any sub committees which are appointed which, subject to the provisions of any regulations made by the Secretary of State, have to be determined by the Committee itself.

2. STATUS OF THE COMMITTEE

- 2.1 The Licensing Committee is not a committee appointed under Section 102 of the Local Government Act 1972. The law relating to the notice of meetings, access to information about meetings, exclusion of the public from meetings, quorum, political balance on the committee etc therefore does not apply.
- 2.2 The Committee is established under Section 6 of the Licensing Act and is permitted to appoint one or more sub committees. The Act makes provision for regulations to be made to prescribe the proceedings of the committee and sub committees but where regulations are not made, such proceedings may be regulated by the Licensing Committee and not the Council. Draft regulations have been issued which propose certain proceedings for hearings of sub committees but regulations are now thought unlikely to be issued for meetings of licensing committees themselves.

3. COMMITTEE PROCEEDINGS

- 3.1 In the absence of regulations and in the interest of consistency, it is preferable for the Committee to adopt the provisions of the Local Government Act 1972 in relation to meetings of the committee itself. As the Council have decided that the Committee shall comprise the same membership as the Licensing and Protection Panel, the political balance requirements of the Local Government and Housing Act 1989 will automatically apply.
- 3.2 The Committee will also need to formally adopt some aspects of the Council's constitution in relation to its proceedings including the Council Procedure Rules and Access to Information Rules. These are listed later in this report.

4. SUB COMMITTEE PROCEEDINGS

- 4.1 The proceedings of the sub committee(s) to be appointed by the Committee will be dependent on the final regulations to be issued by the Secretary of State. However, in view of the absence of the final regulations and the imminence of the first appointed day, a separate report has been prepared based upon the content of the draft regulations.

5. CHANGES TO THE CONSTITUTION

- 5.1 Some changes to the constitution will be required as a result of the Committee's decisions. These are listed below with the page numbers referring to the appropriate place in the constitution itself –

Article 13 – Decision Making (page 39)

The insertion of the following article –

7A DECISION MAKING BY THE LICENSING COMMITTEE

The Licensing Committee has adopted the provisions of the Local Government Act 1972 in respect of the proceedings of its meetings and subject to Article 13.8, will follow the Access to Information Procedure Rules and those parts of the Council Procedure Rules applicable to committees and panels set out in Part 4 of this Constitution

Council Procedure Rules (page 155)

In Rule 22, the addition of the following sentence at the end of the Rule – ‘The Licensing Committee has resolved to adopt the Rules that apply to the proceedings of committees, panels etc of the Council but separate proceedings will apply to the hearings of its sub committees.

Access to Information Procedure Rules (page 177)

In Rule 1, the addition of the following sentence at the end of the Rule – “The Licensing Committee has resolved to adopt the Rules for the purpose of its meetings but separate proceedings will apply to the hearings of its sub committees.

6. CONCLUSION

- 6.1 The manner in which the Licensing Committee and its sub committees is constituted means that it is necessary for the Committee to determine its own procedures for meetings. It is therefore

RECOMMENDED

- (a) that the Committee adopt the provisions of the Local Government Act 1972 in respect of its proceedings;
- (b) that the Committee adopt the provisions of the Access to Information Procedure Rules and those aspects of the Council Procedure Rules that apply to committees and panels of the Council's constitution in respect of its proceedings; and

- (c) that the Council be recommended to approve the consequential changes to the constitution as listed in Section 5 above;

BACKGROUND PAPERS

Licensing Act 2003
Draft Regulations for hearings by Licensing Sub-Committees
The Council's constitution.

Contact Officer: Mr R Reeves, Head of Administration
☎ (01480) 388003