

Subject:	FREQUENCY OF SCHEDULED LICENSING COMMITTEE MEETINGS
Meeting and Date:	Licensing Committee – 13 June 2013
Report of:	David Randall, Director of Governance
Classification:	Unrestricted
Purpose of the report:	To identify the range of options open to the Licensing Committee in respect of its frequency of scheduled meetings.
Recommendation:	<p>(a) That the report be noted.</p> <p>(b) That the Licensing Committee determine its schedule of meetings in accordance with Option 1c.</p>

1. Summary

The Chairman of the Licensing Committee, Councillor B W Butcher, requested at the meeting of the Licensing Committee held on 26 February 2013 that a review be undertaken by Democratic Services in respect of the frequency of scheduled Licensing Committee meetings.

2. Introduction and Background

2.1 The Council's licensing functions are primarily exercised through the five Licensing Sub-Committees. The consequence of this is that the Licensing Committee itself has little in the way of regular business to transact which has resulted in a number of meetings of a very short duration.

2.2 Part 3 (Responsibility for Functions) of the Constitution defines three functions for the Licensing Committee as follows:

- (a) To discharge those functions referred to it by Section 7(1) of the Licensing Act 2003 (the exercise and delegation of licensing functions).

As part of the first meeting of the Licensing Committee each municipal year, it establishes Sub-Committees to discharge functions relating to applications, reviews and revocation of licences and Temporary Event Notices (TENs). The Committee also receives the Minutes of the Licensing Sub-Committees.

- (b) To consider and report upon any recommendation or report of the Council or its Committees or the Executive and its Committees on any matters referred to it which relate to a licensing function.

The Licensing Committee considers the annual fees and charges report relating to licensing matter.

- (c) To make recommendations to the Council or its Committees or to the Executive and its Committees on any matter relating to a licensing function.

- 2.3 There are currently four scheduled meetings a year of the Licensing Committee. An analysis of meetings of the Licensing Committee since 2009 demonstrate the following meeting durations:

	Duration Less Than 15 Minutes	Duration 16 - 30 Minutes	Duration 31 – 60 Minutes	Duration Longer Than 1 hour
2009-10	5	0	0	1
2010-11	6	0	0	0
2011-12	4	1	0	0
2012-13	3	0	0	0

- 2.4 It should be noted that the decrease in the frequency of meetings has not led to an increase in the duration of meetings.

3. Identification of Options

- 3.1 The five options identified below are intended to develop a clear framework under which the Licensing Committee can operate for Members and the public.
- 3.2 Option 1 – To make no change to the number of scheduled meetings agreed by Council at its Annual General Meeting held on 22 May 2013.
- 3.3 This represents the status quo for the Licensing Committee, with four scheduled meetings each year. However, this can be operated in a variety of ways.
- 3.4 Option 1(a) would be to hold all four meetings, regardless of the quantity of business to be transacted and expect all members of the Committee to still attend. This would mean that even if the minutes of the Sub-Committees were the only business to transact the meeting would still be held.
- 3.5 Option 1(b) would be to still hold all four meetings, regardless of the quantity of business to be transacted but leave it to the judgement of individual members as to whether they attended so long as a quorum could be attained. It should be noted that the right of a member to attend a committee to which they are appointed cannot be removed, except by full Council removing the member's appointment.
- 3.6 The scheduling of the Regulatory Committee immediately after the Licensing Committee would be a means of ensuring a quorum (one quarter of the whole membership, in this case 4 members) was always present so long as the four of the five members of the Regulatory Committee were also on the Licensing Committee or able to substitute on the Licensing Committee to maintain the quorum.
- 3.7 Option 1(c) would be to keep a schedule of four meetings but to cancel those where there is no business to be conducted. For these purposes "no business to be conducted" would mean that there are no reports or recommendations. In practical terms this could see up to 2 of the 4 scheduled meetings being cancelled.
- 3.8 Option 2 – To reduce the number of scheduled meetings from four to a number to be agreed by the Committee, accepting that a minimum of two meetings will be required. If this option is agreed the Committee is asked to be mindful that it will still need to hold a meeting in the month after the Annual General Meeting to appoint the Sub-Committees and a meeting in November / December to consider the Fees and Charges.

- 3.9 Option 3 – To increase the number of members on the Regulatory Committee so as to mirror that of the Licensing Committee, thereby increasing the likelihood that members present would have some business to transact beyond the approval of Licensing Committee minutes.
- 3.10 Option 4 – To hold the Licensing Committee on a different day / time from that of the Regulatory Committee, such as prior to full Council, when Members would have an additional meeting to attend.
- 3.11 Option 5 – To adopt a different option as determined by the Committee.

4. Evaluation of Options

- 4.1 Options 1(a) and 1(b) would not change the current situation of a number of Licensing Committees where the business to be transacted takes less than 15 minutes to complete, although Option 1(b) would potentially reduce the number of Members required to be present.
- 4.2 Option 1(c) would represent a small amendment to the current situation. The Democratic Support team would be required, during the agenda setting process, to assess whether there is business to be transacted and to cancel the meeting if there is none.
- 4.3 Option 2 would while reducing the number of short duration meetings increase the likelihood of special meetings of the Licensing Committee to be called where business arose that could not be delayed to the next scheduled meeting.
- 4.4 Option 3 would require both an increase in the membership of the Regulatory Committee to at least 10 members, the minimum size for a Licensing Committee. This is not the recommended option as it would make the Regulatory Committee unwieldy for considering Private Hire / Hackney Carriage licences. In addition, any change to the membership of a Committee would require a recommendation to Council to approve.
- 4.5 Option 4 while potentially negating a journey to the Council Offices for short duration Licensing Committee meetings is not the recommended option as it loses the benefit of the natural synergy between regulatory and licensing functions.
- 4.6 It is suggested that if Option 5 is adopted it be the subject of a follow-up report evaluating the implications of it prior to implementation.
- 4.7 It should be noted that Options 1(a), 1(b), 1(c) and 2 do not present any significant administrative difficulty in delivering.

5. Resource Implications

- 5.1 None.

6. Appendices

None

7. **Background Papers**

Licensing Act 2003

Constitution of the Council

Contact Officer: Rebecca Brough, Team Leader - Democratic Support