

**Committee provisions applicable to  
Licensing and Highways**

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**Report of Head of Legal and Democratic Services**

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**Purpose of the Report**

- 1 To change the current provision in the Constitution with respect to the Committee structure for licensing and highways to enable a more efficient and economic provision of the service.

**Background**

- 2 The licensing function of the authority covers many aspects ranging from zoos, pet shops, tattoo parlours, taxis, alcohol and entertainment. With the exception of alcohol and entertainment that function was usually carried out by a General Licensing and Registration Committee. The Licensing Act 2003 ("the LA") brought in changes which empowered Councils to administer licenses for alcohol and changes to how licences or permits for entertainment were granted. It did not apply to the then County Council but only to District Councils.
- 3 Section 6 of the LA provides *"Each licensing authority must establish a licensing committee consisting of at least ten, but not more than fifteen, members of the authority."*
- 4 On the formation of the current County Council on the 1<sup>st</sup> April 2009 the Council provided for two separate Committees, a Statutory Committee and a General Licensing and Registration Committee as shown in Appendix 2.
- 5 The division of licensing between General and Statutory has resulted in two separate committees that cannot cover each other's work and can result in separate hearings on separate days as the work cannot be combined.
- 6 With the present structure there have been problems in having the General Committee meetings quorate.
- 7 The LA does not say that the Statutory Committee must be a separate free-standing committee but only that the Council has one. It can therefore be a sub committee with sub committees beneath it. A number of other authorities have continued to do that drawing their statutory members from their general committee.
- 8 The current set up has lead to only Statutory Members (other than the Chairs) handling statutory work and General Members handle the remainder – this is mainly taxi and private hire work but also involves other aspects of licensing.

- 9 The Council has resolved to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and this brings in the need to licence sex shops, sexual entertainment venues and other similar establishments.
- 10 The proposals in this Report are intended to enable a more efficient and economic provision of the Council's licensing function. It will enable the Statutory Committee to handle General Licensing when occasions warrant it and provide the understanding of all aspects of the law when handling the "new" functions under the 1982 Act.
- 11 Finally Common Land and Town and Village Green applications currently come under the General Licensing and Registration Committee that aspect having been "inherited" under the LGR process. They are not licensing issues but claims with respect to the use of land and as such ought to be transferred to the Highways Committee under whose remit they more naturally fall.
- 12 This draft Report was considered at a combined meeting of the current General Licensing & Registration Committee and the Statutory Committee on the 31<sup>st</sup> January 2011 and was supported unanimously by those attending. The combined meeting raised two points:
- 12.1 There may be existing Village Green matters being considered, Members have had training on such and the wish is that in the interim until members of the Highways Committee have undergone training those who have already had such are utilised.
- 12.2 That a recommendation be added to the effect that there should be no requirement to maintain a political balance on the new General Committee to be formed under the proposal nor sub-committees thereof.
- 13 The Constitution Working Group considered this Report on the 9<sup>th</sup> March 2011 and supported it with a variation that the recommendation not to maintain a political balance should apply to all the sub-committees of the General Committee and not the General Committee itself.

### **Recommendations and reasons**

- 13 The Council resolves that:
- 13.1 The provisions set out in Appendix 3 replace those in Appendix 2. *This is to enable sufficient persons to cover the work required, and ensure that the Statutory Committee is not just limited to doing Licensing Act 2003 work.*
- 13.2 It is in order, where it is expedient to do so, for hearings required to be held for the business of the General Licensing and Registration Committee to be combined with hearings of the Statutory Committee and its members enabled to conduct the same - *this is to reduce cost, have one meeting instead of two but only when appropriate.*
- 13.3 All members of the General Licensing and Registration Committee receive the same training - *this is to ensure that each person understands the parameters within which all have to operate.*

- 13.4 The current provision for Common Land and Town and Village Greens be removed from the business of the General Licensing and Registration Committee and be dealt with by the Highways Committee adding to the Highways Committee's the function relating to the registration of common land and town and village greens; - *to remove a function that is not a licensing one and locate it under a more appropriate Committee.*
- 13.5 That it is not necessary to maintain a political balance on the sub-committees of the General Licensing and Registration Committee – *the sub committees sit in a quasi judicial capacity where politics should not have a bearing on the decisions to be made.*

**Background papers**

None

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## **Appendix 1: Implications**

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**Finance** - there are no additional costs to be incurred by the Council consequent upon the recommendation but on the contrary financial savings.

**Staffing** – None, but it will help meet with the administrative changes coming about within the licensing section as a result of reducing the licensing areas to two from three,

**Equality and Diversity** – None.

**Accommodation** – Where meetings can be combined it will free up the use of meeting rooms for other purposes.

**Crime and Disorder** – None as such but it will lead to greater understanding by the Committee as a whole as to how this aspect needs to be addressed in all licensing matters.

**Human Rights** – None.

**Consultation** – None, other than discussions with the current chair and vice chairs involved with licensing.

**Procurement** – None.

**Disability Discrimination Act** – None.

**Legal Implications** – None. So long as the Statutory Committee is formally set up as a minim of 10 and a maximum of 15 even though it will be a sub committee of General Licensing.