

Appointment to Licensing Sub Committees

REPORT TO LICENSING COMMITTEE



DATE	15/06/2017
PORTFOLIO	Housing and Environment
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PURPOSE

1. To obtain approval of the Licensing Committee for sub delegation of functions to a Licensing Act 2003 Sub Committee and to Taxi Licensing Sub Committees and for the appointment of Licensing Committee members to these sub committees.

RECOMMENDATION

2. (1) That a Licensing Act 2003 Sub Committee be established for the sub delegation of functions under the Licensing Act 2003 for a final hearing procedure.
- (2) That two Taxi Licensing Sub Committees be established for sub delegation of functions vested in the Licensing Committee relating to taxi licensing functions as set out in Part 3 of the Council's Constitution
- (3) That members be appointed to the sub committees on a rotational basis subject to their availability.

REASONS FOR RECOMMENDATION

3. For the efficient and effective discharge of the Council's Licensing Authority functions.

SUMMARY OF KEY POINTS

4. The Licensing and Gambling Acts do not require these sub committees to be politically balanced but it is the Council's current practise to apply the political balance calculation to all statutory and non-statutory groups wherever possible. Other forms of licensing are subject to the political balance rules. Seats on all sub committees will be allocated on a rotational basis between members subject to their availability.

Licensing Act 2003 Sub Committee

5. Section 10 of the Licensing Act 2003 allows for the powers vested in the Council to be discharged by sub committees of the Licensing Committee and the Council has previously passed a resolution to enable this function to be discharged in this way.
6. In 2008 two Licensing Act 2003 Sub Committees were established each comprising three members plus one substitute member and alternating between daytime and evening meetings. Since 2008 there has been a decline in the number of hearings required under this Act and in 2016 only one hearing was held. Due to the decline in the workload of this

committee only one sub-committee needs to be established and because the hearings under this Act can lengthy and require attendance by the applicants legal representative(s) it is proposed that the committee meets during office hours..

Taxi Licensing Sub Committees

7. In 2014 Council allowed for the provisions with respect to taxis as set out in Part 3 of the Constitution and vested in the Licensing Committee, to be delegated to a Sub Committee comprising 7 members. Two 7 members sub committees were formed, one to meet during the daytime and one to meet in the evenings.
8. During 2016/17 it has been found that daytime meetings (usually at 10 a.m.) are the most convenient for officers. Also an increasing number of meetings are held to determine applications for renewal of private hire vehicle licences where the vehicles have exceed the upper age limit of 8 years as defined in the Council's vehicle age limit policy. This requires Committee members to inspect the vehicles and this is best done during daylight hours.
9. Taxi licensing hearings can be lengthy, often going beyond 2 hours and in the evening this requires the town hall to remain open beyond 8 pm. Evening meetings also incur time off in lieu for officers and this can have a significant impact on office cover during the working day especially where departments face reduced staffing levels.
10. However holding only daytime meetings results in a greater workload for some members whilst others i.e. those that can only attend evening meetings do not gain the experience of sitting on hearings.
11. To try and balance this out and after consultation with the Head of Governance Law Property and Regulation and the Chair of the Licensing Committee, it is proposed that evening meetings continue but on a reduced basis of 1:3 and that they start at 5.30 pm. Where there are vehicle licence renewal applications these would continue to be held during the day.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

12. None arising from this report

POLICY IMPLICATIONS

13. None

DETAILS OF CONSULTATION

14. Internal

BACKGROUND PAPERS

15. None

FURTHER INFORMATION

PLEASE CONTACT:

ALSO: