

Cheltenham Borough Council

Licensing Committee – 12 April 2017

Review of Licensing Committee Structure and Operation

Report of the Licensing Team Leader

1. Background

- 1.1 On 18 July 2016 Council passed the following resolution: *“This Council recognises that it is important that the makeup and operation of each of its committees is as representative of the Council as possible.*

This Council believes that in order to achieve this objective, the structure and meeting arrangements for committees needs to be kept under review.

This Council notes that, whilst the Corporate Diary was agreed earlier in the year, a new Council was elected in May 2016.

This Council further notes that its Licensing Committee has historically met on a Friday afternoon but that this arrangement is not now best suited to the requirements of many Councillors who wish to be part of the Committee.

This Council therefore determines that the start time for the Licensing Committee will be changed from 2:15pm on a Friday to 6:00pm on a weekday evening, to be arranged by the Democratic Services Department in consultation with the Chair and Vice-Chair of the Licensing Committee, commencing in September 2016.

This Council further determines that a review of the Committee’s structure and meeting arrangements be undertaken by officers in consultation with the Licensing Committee and that the outcome of this review be reported back to Council in December 2016.”

- 1.2 In accordance with the final paragraph of this resolution, a review of the Licensing Committee has now been undertaken. This report sets out the outcome of this review for the Committee’s approval.

1.3 **The Committee is recommended to:**

1. Approve the proposed revised structure of the licensing committee as set out in Appendix 1;

2. Delegate authority to the Democratic Services Manager to implement the resolution including delegated powers to:

a. Make the necessary arrangements to implement any constitutional changes;

b. Make the necessary arrangements, in consultation with the chair and vice-chair of the Committee, to implement the new Licensing Committee structure; and

c. Ensure the special responsibility allowances for the Licensing Committee are reviewed by the Independent Remuneration Panel and reported back to Council at the appropriate time.

Summary of implications

Legal

As outlined in the report.

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2. Licensing Committee

- 2.1 The Licensing Committee is one of two regulatory committees with a broad range of responsibilities and delegated powers. Its primary role is to determine contentious licensing applications, deal with all licence holder disciplinary issues, to suspend and/or revoke licences, to act as lead consultee to the Cabinet on all licensing matters and to establish licensing sub-committees. An exhaustive list of the committee's delegated functions is set out in part 3C of the Council's constitution.
- 2.2 The committee is made up of 10 cross-party Members with a further 5 additional reserve Members.
- 2.3 The full Committee meets once a month but licensing sub-committees – that are responsible for determining all contentious applications relating to alcohol and entertainment licensing - are scheduled as and when required when applications are received.

3. Rationale for review

- 3.1 The Licensing Committee has operated in its current form for at least the last 10 years. During this time there have not been any substantial reviews undertaken. Whilst change is not necessary merely for the sake of it, there have been a number of factors that have driven the need to review the Committee's structure and meeting arrangements.

3.1.1 Proportionality – The proposed new structure seeks to balance, in a more proportionate way, the work priorities of the licensing committee.

3.1.2 Member development & resilience – The current structure and means of operation has resulted in gaps in Members' skills and knowledge. Some Members have gained more experience in specific areas of licensing and chairing committees as a result of the current meeting arrangements.

This in turn has, at times, caused difficulties with finding suitable experienced Members to sit on and/or chair committees.

Through the new proposed structure there will be more opportunity for Members to gain knowledge and experience in various roles.

3.1.3 Accountability and transparency – Beyond reactively determining applications, the committee does not at present operate in a proactive way. This is primarily because the committee's current setup and reactive workload leaves it very little scope to be proactive in terms of, for example, policy development, strategic and operational scrutiny and quality training.

Through dividing the workload and responsibility each committee will have more scope and opportunity to be more focussed and proactive but always under the oversight of the full committee.

3.1.4 Place shaping – The Licensing Committee has a recognised role to play in place shaping and economic development in the town particularly through its influence and implementation of local policy. The role will become increasingly important and significant as it supports the Place and Economic Development's commercial transformation work and the emerging place strategy.

The committee review and subsequent proposal will also assist the Licensing Committee to operate more

effectively in this capacity because the current issues identified above (3.1.3) could be overcome under the proposed new structure.

4. Proposed new structure and meeting arrangements

- 4.1 A copy of the proposed revised Committee structure is attached at **Appendix 1**.
- 4.2 Under the proposed new structure the full Committee will be scheduled to meet a minimum of four times a year. The full Committee will be responsible for higher level business such as reviews of local and national policy and policy consultations, training, local and national licensing updates and briefings and establishing sub-committees.
- 4.3 It is proposed that the substantive business of the Committee be discharged by two sub-committees.

5. Member allowances

- 5.1 The chair of the Licensing Committee gets an annual special responsibility allowance in addition to their normal basic allowance. There is no special responsibility allowance for the vice-chair of the Licensing Committee.
- 5.2 The proposed restructure of the committee will place additional work and responsibility on the vice-chair. Accordingly and by mutual consent, the chair's annual special responsibility allowance will be split equally between the committee's chair and vice-chair.
- 5.3 A review of the committee's permitted special responsibility allowance will be undertaken by the Independent Remuneration Panel and reported back to Council later this year.

6. Implementation

- 6.1 Subject to the committee's approval, the new structure and meeting arrangements will be implemented in accordance with the corporate meetings cycle therefore the new structure will take effect in September 2017.
- 6.2 In practice the proposed revised structure will not result in a need for many more additional meetings in the council diary because the majority of the meetings can be scheduled for the same evening. For example, the four full licensing committee meetings can be planned to take place prior to sub-committee meetings or replace a scheduled meeting that is no longer going ahead due to, for example, lack of business.

7. Reasons for recommendations

- 7.1 As set out in body of report.

8. Alternative options considered

- 8.1 An alternative to the Committee's resolution would be to make no changes to the current structure.

9. Consultation and feedback

- 9.1 Informal consultation has been undertaken with the Committee. In December 2016 the Committee unanimously approved the proposed structure.
- 9.2 Informal consultation has also been undertaken with Democratic Services, the Licensing Section and One Legal.

10. Performance management – monitoring and review

10.1 The effectiveness of the new meeting arrangements and Committee structure will be measured against its success in addressing the issues identified under the review's rationale.

Background Papers

Service Records

Case Officer

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