

Cheltenham Borough Council

Licensing Committee – 6 June 2018

Licensing Committee Appointment of Sub-Committees

Report of the Licensing Team Leader

1. Background

- 1.1 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. A list of the committee's delegated functions is set out in part 3C of the Council's constitution – Committee Functions.
- 1.2 On 12 April 2017 the Licensing Committee approved a revised committee structure to become effective from September 2017. The full committee continues to meet quarterly, acting as consultee to Cabinet / Lead Member on policy matters, establishing sub-committees and dealing with relevant briefings, training, updates and policies and reviewing performance.
- 1.3 The committee is made up of 10 Members and the political balance must equate to that of the Council. Each party can also nominate substitutes up to the number of places that each party has on the committee. The Members and substitutes were appointed at Selection Council on 14 May 2018.
- 1.4 Under the committee's revised structure, three sub-committees, need to be established to discharge the committee's substantive business. The intention is that the membership of the sub-committees will rotate on an annual basis to maintain competency, experience and balance attendance requirements.

Name of Sub-committee	No of Members	Politically Balanced	Special requirements/Quorum	Substitutes allowed
Miscellaneous	5	Yes	Quorum of 3	Each party can nominate up to the same number of substitutes as members on the sub-committee.
Sexual Entertainment Venues (SEV)	5	Yes	Quorum of 3	ditto
Alcohol and Gambling	3	Not a requirement	3 Members of the Licensing Committee. All 3 Members must be present.	Not allowed. One or more reserves from the Licensing Committee can be nominated when the sub- committee is formed.

1.5 The Committee is recommended to:

- i) **Select 5 Members to form the Miscellaneous Licensing Sub-committee (4 Lib Dems, 1 Conservative and up to the same no of substitutes)**

- ii) **Select 5 Members to form the SEV Licensing Sub-Committee (see section 2.4 for alternative options)**
(4 Lib Dems, 1 Conservative and up to the same no of substitutes)
- iii) **Appoint a chair and vice-chair for each sub-committee above**
- iv) **That the Alcohol and Gambling Sub-Committee be constituted and note that Members will be selected from the full membership of the Licensing Committee when required and a chair will be appointed at the start of any meeting.**

1.6 Summary of implications

Legal As outlined in the report.

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2. Review, structure and meeting arrangements

- 2.1 In April 2017 the Licensing Committee approved a revised structure and operation. Under the revised structure, the Licensing Committee meets up to 4 times a year, acting as consultee to Cabinet / Lead Member on policy matters, establishing sub-committees and dealing with relevant briefings, training, updates and policies and reviewing performance.
- 2.2 The full committee establishes 3 licensing sub-committees to deal with the substantive business of the committee such as licence applications and reviews.
- 2.3 Sub-committee (1) will have responsibility for hackney carriage, private hire and miscellaneous licensing functions, which will include but not be limited to street trading, objects on the highway, scrap metal dealers, charitable collections and animal establishments. This sub-committee will normally meet monthly and the dates of the meetings have been set in advance.
- 2.4 Sub-committee (2) will have responsibility for sex establishments / sexual entertainment venues. **An alternative to setting up this sub-committee would be for any such applications to be dealt with by the main committee or the Miscellaneous sub-committee and this option can be discussed at the meeting.**
- 2.5 Sub-committee (3) - due to statutory requirements, when dealing with individual applications and reviews under the Licensing Act 2003 (alcohol, regulated entertainment and late night refreshment) and Gambling Act 2005, 3 members (plus one or more reserves from the Licensing Committee membership) will determine the application. Again this sub-committee will meet on a case-by-case basis on dates that cannot be set in advance and membership should be rotated amongst members of the full committee.

3. Performance management – monitoring and review

- 3.1 All Committee Members and substitutes must be fully training before they can participate in any meetings of the Licensing Committee or its sub-committees and until then can only attend as observers. Existing Members are expected to attend refresher training when provided.
- 3.2 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

Report to Licensing Committee 6 September 2017

Contact Officer

Licensing Team Leader