



Purpose: For Decision

Committee report

Committee	LICENSING COMMITTEE
Date	3 JUNE 2021
Title	ESTABLISHMENT OF, AND APPOINTMENTS TO, THE LICENSING SUB-COMMITTEE
Report of	MONITORING OFFICER

EXECUTIVE SUMMARY

1. The purpose of this report is to establish a licensing sub-committee and to make appointments to it, with its terms of reference being as set out in the Constitution.

BACKGROUND

2. The Full Council appoints its Licensing Committee annually and its Licensing Committee has power to establish a sub-committee.
3. The Council's Constitution sets out the terms of reference of the proposed licensing sub-committee on page 40.
4. It is proposed that (as presently detailed in the Constitution) the licensing sub-committee comprises 3 members drawn from this committee, that it be politically balanced, and that the quorum of the licensing sub-committee should be 3 members.
5. The appointment of such a sub-committee facilitates effective and efficient decision-making, and has proved to be very useful to conduct the business of the local authority.

STRATEGIC CONTEXT

6. Good governance arrangements are essential to the delivery of the council's services and the decision-making process that support this.

CONSULTATION

7. None.

FINANCIAL / BUDGET IMPLICATIONS

8. There are no additional costs associated with the proposals contained in this report. The recommendations accord with the resources available within the overall budget agreed by Full Council in February 2021.

LEGAL IMPLICATIONS

9. This committee is a hybrid committee. It is appointed as an 'ordinary committee' under section 102 (1) (a) of the Local Government Act 1972 and it is also established as a 'statutory committee' under section 6 (1) of the Licensing Act 2003 (see section 101 (15) of the Local Government Act 1972).
10. An 'ordinary committee' may appoint one or more sub-committees under section 102 (1) (c) of the Local Government Act 1972. Membership of such a committee is subject to section 15 of the Local Government and Housing Act 1989 ('duty to allocate seats to political groups') i.e. it is required to be politically proportionate (unless alternative arrangements have been agreed under section 17 of that Act).
11. The committee in its role as a statutory committee established under section 6 (1) of the Licensing Act 2003 may arrange for the discharge of any functions exercisable by it by a sub-committee established by it under section 10 (1) (a) of the Licensing Act 2003. The functions in Part 8 of the Gambling Act 2005 are delegated to the statutory committee established under section 6 (1) of the Licensing Act 2003 and section 10 of the Licensing Act 2003 is applied by section 154 of the Gambling Act 2005. There is no legal requirement as to political proportionality regarding such a sub-committee, but it may be politically proportionate.
12. As a sub-committee of the statutory committee is required by statute to comprise three members, it is considered expedient that the sub-committee consists of three members drawn from the parent committee in all cases (see section 9 (1) of the Licensing Act 2003).

EQUALITY AND DIVERSITY

13. The council as a public body is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and people who do not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It is not considered that the content of this report has any negative impact on any of the protected characteristics.

OPTIONS

14. **Option 1:** To appoint a sub-committee of three members drawn from the committee with the terms of reference as set out in the Constitution and that it be politically proportionate, with a quorum of three.

15. **Option 2:** To not establish such a sub-committee.

RISK MANAGEMENT

16. The recommendations are to ensure that the council meets its corporate governance requirements and responds to changing requirements and demands. These should lessen the risks arising from any challenge to the decision-making process by way of judicial review or other such legal action.

EVALUATION

17. An effective governance system for the council is essential to enable business to be transacted efficiently, and in a timely manner. The appointment of a sub-committee supports this.

RECOMMENDATION

18. (Option 1) That a licensing sub-committee be appointed of three members drawn from the committee with the terms of reference as set out in the Constitution, and that it be politically proportionate, with a quorum of three members.

BACKGROUND PAPERS

19. None.

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