

SLOUGH BOROUGH COUNCIL

REPORT TO: Licensing Committee **DATE:** 26th June, 2014

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WARD(S): All

PART I **FOR DECISION**

ESTABLISHMENT OF A LICENSING SUB-COMMITTEE AND **APPOINTMENT OF DESIGNATED CHAIRS**

1. **Purpose of Report**

This report seeks approval for the establishment of a Licensing Sub-Committee and the appointment of designated Chairs to the Sub-Committee.

2. **Recommendations**

The Committee is requested to Resolve:

- (a) That a Licensing Sub-Committee (drawn from the Members of the Licensing Committee) be established as required on a proportional basis (2 Labour 1 Conservative) with terms of reference as set out in the appendix.
- (b) That three Labour Members be appointed to act as designated Chairs of the Sub-Committee for the 2014/2015 municipal year.
- (c) That the Sub-Committee decide whether it wishes to confirm the membership/convening arrangements for the Sub Committee agreed by the Committee last year, as set out in paragraph 5.5 of the report.

3. **Community Strategy Priorities**

There are no implications.

4. **Other Implications**

(a) **Financial**

There are no financial implications associated with this report at this stage.

(b) **Human Rights Act and other Legal Implications**

The relevant law in respect of this matter is set out in Sections 15-17 (inclusive) of the Local Government and Housing Act 1989 (the Act) and the Local Government (Committees and Political Groups) Regulations 1990 (as amended). Applying the basic principles of Sections 15-17 of the Act requires not all the seats on the Sub

Committee to be allocated to the same political group. However as an alternative to applying the political proportionality rules the Committee is entitled under Section 17 of the Act to adopt different arrangements provided all of the members vote for/abstain from a proposal (ie: no member votes against).

(c) Workforce

None.

5. **Supporting Information**

- 5.1 The Licensing Committee at its meeting on 31st May, 2006 established a Licensing Sub-Committee and agreed its terms of reference as set out in the appendix.
- 5.2 The Committee agreed to the appointment of designated Chairs of the Sub-Committee and that these Members would chair the meetings of the Sub-Committee on a rota basis.
- 5.3 It was agreed that the Sub-Committee would consist of three Members to be drawn on a rota basis from the Members of the Licensing Committee on a politically proportionate basis.
- 5.4 As the Labour Group has an overall majority on the Council, the Sub-Committee should comprise two Labour Members and one Member of the Conservative Group. Although Councillor Mellor has been allocated a seat on the Licensing Committee, he is not a member of a Group on the Council and is therefore not entitled to a place on the Sub Committee. Members may be aware that meetings of the Sub-Committee are held during the day time and must be convened within the statutory deadlines prescribed. There were 6 meetings of the Sub Committee in the 2013/14 municipal year.
- 5.5 In the year 2013/14, in order to ensure that statutory deadlines were met and to assist in convening meetings of the Sub Committee, the Committee was requested to confirm whether it wished to continue with the arrangements agreed in previous years whereby the Conservative Group position on the Sub-Committee rotated between the Conservative and the (then) Liberal Democrat Member on the Committee. In the event that neither the Conservative nor Liberal Democrat Member of the Committee were able to serve on a particular meeting, the Sub-Committee would convene with 3 Labour Members. The proposal to rotate is a departure from the strict proportionality requirements and requires the Committee to agree with no member voting against the proposal. During the 2012/13 Municipal Year, 5 of the 6 Sub-Committees were convened on a 2:1 proportional basis and one was convened on a 3:0 basis.
- 5.6 The membership of the Licensing Committee for the 2014/15 Municipal Year comprises 8 Labour, 2 Conservative and 1 UKIP Member. The Committee is requested to consider whether it wishes to endorse previous arrangements which would mean that the Conservative position on the Sub-Committee would rotate with Councillor Mellor, the UKIP Member.

6. **Background Papers**

Agenda and minutes of Licensing Committee – 31st May, 2006

LICENSING SUB-COMMITTEE

Constitution

3 Members of the Licensing Committee (Quorum 3 Members)

Terms of Reference

- 1 To consider and determine applications for licences for private hire vehicles, operators and drivers and for hackney carriage drivers where:
 - (i) The individuals involved have been convicted of traffic or other offences.
 - (ii) Where CRB checks on an individual give cause for concern with regard to their suitability as a fit and proper person to hold such a licence.
 - (iii) In any other special circumstance where the officers consider it appropriate to refer the matter to the Sub-Committee.
- 2 To hear and determine any appeal against a decision of the Director of Customer and Community Services taken under delegated powers to refuse an application for approval of premises or to revoke any approval previously granted under the Marriage Act 1994.
- 3 To determine such other licensing appeals or other licensing matters referred by officers including but not restricted to:
 - Sex establishments
 - Street trading.

Licensing Act 2003

- 4 To consider applications for a personal licence where a representation has been made.
- 5 To consider applications for a personal licence in cases where the applicant has unspent criminal convictions.
- 6 To consider applications for premises licences/club premises certificates where a representation has been made.
- 7 To consider applications for provisional statement where a representation has been made.
- 8 To consider applications for variations to premises licences or club premises certificates where a representation has been made.
- 9 To consider applications for the transfer of a premise licence where a representation by the Police has been made.

- 10 To consider reviews to premises licence/club premises certificates where these have been requested by the relevant authority in accordance with the relevant regulations.
- 11 To determine a Police representation in respect of a temporary event notice.
- 12 To consider applications for Interim Authorities where a representation by the Police has been made.

Gambling Act 2005

- 13 Application for a Non Fast Transitional Conversion for a Premises Licence where representations have been made.
- 14 Application for new Premises Licence where representations have been made.
- 15 Application for a Provisional Statement where representations have been made.
- 16 Application to vary a Premises Licence where representations have been made.
- 17 Application for Transfer of a Premises Licence where representations have been made
- 18 Cancellation of Club Gaming / Club Machine permits
- 19 Applications for other permits where representation have been made
- 20 Decision to give a counter notice to a temporary or Occasional Use Notice
- 21 Application a for a Review of a Premises Licence