

SLOUGH BOROUGH COUNCIL

Report To:	Licensing Committee
Date:	1st June 2023
Subject:	Establishment of a Licensing Sub-Committee and appointment of Designated Chairs
Chief Officer:	Stephen Taylor, Monitoring Officer
Contact Officer:	Shabana Kauser, Principal Democratic Services Officer
Ward(s):	All
Exempt:	No
Appendices:	Appendix A – Licensing Sub-Committee Terms of Reference

1. Summary and Recommendations

The purpose of this report is to seek approval for the establishment of a Licensing Sub-Committee, note its terms of reference and the appointment of designated Chairs to the Sub-Committee.

Recommendations

The Licensing Committee is recommended to:

- (a) Note the Licensing Sub-Committee's terms of reference attached as Appendix A to this report.
- (b) Agree to the establishment of Licensing Sub-Committee as required on a proportional basis (2 Conservative, 1 Labour) to determine applications where representations have been made.
- (c) Agree that three Members (drawn from the Members of the Licensing Committee) be appointed to act as designated Chairs of the Sub-Committee for the 2023/2024 municipal year.
- (d) Agree that in the event of the unavailability of the Labour Member, a Sub-Committee will be convened with three Conservative Members.

Reasons for the decision

This report asks the Licensing Committee to note the terms of reference and agree to the establishment of Licensing Sub-Committee to consider applications where representations have been made in accordance with the

Licensing Act 2003 and consider the appointment of Licensing Sub-Committee Chairs.

Commissioner Review

The Commissioner has reviewed the report and made no observations.

Alternative options

Not applicable.

3. Other Implications

(a) Financial implications

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

(b) Human Rights Act 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 (i.e. no member votes against).

(c) Other statutory implications

This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications
- Consultations
- Environmental
- Risk Management
- Crime Reduction
- Safeguarding
- Data Protection/Privacy Impact Assessment

There are no specific statutory implications arising from this report.

(d) Workforce

None.

(e) **Legal comments**

Section 6 of the Licensing Act 2003 (“the 2003 Act”) provides that each Licensing Authority must establish a Licensing Committee consisting of at least ten, but not more than fifteen, members of the authority. Pursuant to section 9(1) of the 2003 Act, a Licensing Committee may establish one or more Sub-Committees consisting of three members of the committee.

Section 10 of the 2003 Act allows Licensing Committee to arrange for its functions relating to contested hearings to be delegated to the Sub-Committees. Due to the nature of the Hearing Regulations, Sub-Committees will be better able to consider applications much more quickly than the main Licensing Committee.

Section 9 of the Licensing Act 2003 provides the power to appoint the Sub-Committee and therefore, it is not classed as an advisory or an ordinary Committee/Sub-Committee of the Council.

Section 9(3) of the Licensing Act 2003 gives power to the Licensing Committee, subject to any Regulations made by Government, that the Committee may regulate its own procedure and that of its Sub-Committees.

The delegation of functions not only applies to licensing authority functions under the 2003 Act but also to licensing authority functions under the Gambling Act 2005 (“the 2005 Act”). Section 154(1) of the 2005 Act provides that licensing authority functions under that part of the 2005 Act are delegated to a Licensing Committee of the licensing authority established under section 6 of the 2003 Act. Section 154(3) of the 2005 Act provides that section 10 of the 2003 Act applies in relation to functions delegated to the Licensing Committee by virtue of section 154(1) of the 2005 Act.

4. **Supporting Information**

In accordance with the Licensing Act 2003, the Licensing Committee first established a Licensing Sub-Committee at its meeting on 31 May 2006 to determine licensing applications. The terms of reference for the Sub-Committee are as set out in Appendix A.

It was agreed appointment of designated Chairs of the Sub-Committee and that the Members would chair the meetings of the Sub-Committee on a rotational basis.

The Licensing Act 2003 allows a Sub-Committee to consist of three Members and the quorum for Sub-Committees is three Members. Therefore, it was agreed that the Sub-Committee would consist of three Members drawn on a rotational basis from the Members of the Licensing Committee on a politically proportionate basis.

The membership of the Licensing Committee for the 2023/24 Municipal Year comprises 5 Conservative Members, 4 Labour Members and 1 Liberal Democrat Member. As the Conservative Group has the most number of Members on the Council, a Licensing Sub-Committee (drawn from the

Members of the Licensing Committee) shall be established, where possible, with 2 Conservative Members and 1 Labour Member with terms of reference as set out in the appendix. However, in the event of the unavailability of the Labour Member, a Sub-Committee will be convened with three Conservative Members to ensure statutory deadlines are met within the prescribed timeframe.

Meetings of the Sub-Committee are held during the daytime and must be held within the statutory deadlines prescribed. There were 4 meetings of the Sub-Committee convened in the 2022/23 municipal year.

5. **Conclusion**

The Committee is requested to establish a Licensing Sub-Committee and appoint three members as designated Chairs for the 2023/2024 municipal year.

6. **Background Papers**

None.

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 criminal 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 Executive Director of Place and Communities 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.
- 13 To consider to revoke a personal licence or suspend a personal licence (for a period of up to six months), where the licence holder has been convicted of a relevant offence, foreign offence, immigration offence or been required to pay an immigration penalty.

Gambling Act 2005

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