



Committee and date
Council

13th January 2011

Item No

10

LICENSING COMMITTEE STRUCTURES

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Summary

This report proposes new arrangements for the Committee Structure to discharge the Council's duties in respect of licensing and safety matters following consideration by the Political Structures Management Group in September and the Strategic Licensing Committee in December 2010.

The current arrangements were established at the formation of Shropshire Council and do not appear to present the most efficient or effective way for Shropshire Council to discharge its duties in respect of licensing.

Recommendations

That from 1st April 2011

- A. The Strategic Licensing Committee is increased in number, from 11 to 15, reflecting the political balance of Shropshire Council.
- B. Council dissolves the three Area Licensing and Safety Committees.
- C. Council amends the Constitution to transfer the existing responsibilities of the Area Licensing and Safety Committees to the Strategic Licensing Committee.
- D. The Strategic Licensing Committee is invited to establish a standing Licensing and Safety Sub-Committee. The sub committee will consist of five members of the Strategic Licensing Committee, who do not have a prejudicial interest in the subject matter and who are not representing one of the parties or the electoral division affected. The sub committee will discharge the Council's licensing and safety functions not reserved to Council or within the remit of the Strategic Licensing Committee, other than those under the Licensing Act 2003 and the Gambling Act 2005.
- E. The Strategic Licensing Committee is invited to establish Licensing Act Sub-Committees, meeting as and when required, to discharge the Council's duties under the Licensing Act 2003 and the Gambling Act 2005. The sub committees will consist of three Members of the Strategic Licensing Committee who do not have a prejudicial interest in the subject matter and who are not representing one of the parties or the electoral division affected. Members will be appointed in accordance with the Council's Scheme of Delegation.

Report

1. The Implementation Executive at its meeting on the 15th January 2009 established the structure and operation of the various committees of Shropshire Council for the purpose of discharging the Council's duties in respect of the Licensing Act, the licensing of Taxi and Private Hire Vehicles, other licensing matters and matters relating to health and safety.
2. The Strategic Licensing Committee at the meeting on the 29th September 2009 subsequently revised this.
3. The current arrangements place responsibility for licensing with the Council, to four different committees of the Council and three sub committees. These arrangements do not provide for the most effective and consistent approach to the discharge of the Council's licensing functions.
4. Following consideration by the Political Structures Management Group in September and the Strategic Licensing Committee in December 2010 new simplified arrangements are proposed.

PROPOSED COMMITTEE FRAMEWORK

Strategic Licensing Committee

5. Fifteen Members of the Authority reflecting the political balance of Shropshire Council. The increase from the current eleven members is to provide a larger body of members to consider licensing matters with the proposed abolition of the Area Committees.
6. Meeting quarterly in accordance with the programme of meetings determined by the Council at its Annual Meeting.
7. This is the statutory committee as required by Section 6 of the Licensing Act 2003, and must consist of between ten and fifteen members of the Council.

Licensing and Safety Sub-Committee.

8. Five Members of the Strategic Licensing Committee, appointed by that Committee as a standing sub-committee. Substitutes would be permitted at this Sub-Committee.
9. Functions include those not within the remit of the Strategic Licensing Committee as set out in part B of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 relating to licensing and registrations (excluding Commons Registration). Part C including functions in relation to Health and Safety at Work, and functions in relation to the power to make a closing order with respect to take away food shops under s4 (Local Government Miscellaneous Provisions) Act 1982.
10. The Committee will also consider applications for licenses issued under the Local Government (Miscellaneous Provisions) Act 1976 including applications for Hackney Carriages and Private Hire licenses.
11. Meeting on a four weekly cycle.

Licensing Act Sub Committee.

12. Three Members of the Strategic Licensing Committee who do not have a prejudicial interest in the subject matter and who are not representing one of the parties or the electoral division affected, appointed in accordance with the Council's Scheme of Delegation, under the Licensing Act 2003 and the Gambling Act 2005
13. The sub committee is constituted in Accordance with Section 9 of the Licensing Act 2003 and in accordance with the Act can only consist of three members.
14. Meeting as and when required.

Financial Implications.

15. Removing the area Licensing Committees will reduce the costs of administration to Shropshire Council. In addition, the payments made to the three Chairmen would be saved. This is currently £3000 per Chairman.

Advantages.

16. There are a number of advantages of simplifying the current arrangements these include;
 - A simpler more transparent arrangement for people to understand.
 - A reduction in costs of administration and officer support.
 - Improved consistency.
 - Alignment of political and organisational arrangements.
 - Quicker decision making with sub committee hearings every four weeks rather than the current six weeks and fewer meeting cancellations.

Disadvantages.

17. There are a number of disadvantages of simplifying the current arrangements these include;
 - Potential for requiring customers to travel further for hearings. This can be overcome in part by the committees and sub committees meeting in or close to the locality of the interested parties.
 - Accusations of loss of local decision-making.
 - Reduction in number of members involved in licensing decision making. Currently 48 members have some licensing responsibility. Reducing this to a committee of 15 with substitutes reduces the number to 30.

Conclusions.

18. The current Committee arrangements for the Council to discharge its licensing obligations are imbalanced across the county and can be more effective and efficient. The workload between committees and sub committees is significantly different and therefore the cost of democracy in some circumstances is significantly greater.
19. Adopting simpler, more streamlined, arrangements has advantages of clarity, consistency and reduced costs. It does however have some disadvantages of removing an element of local decision making.
20. Whilst some of the functions of Shropshire Council in relation to Licensing can be delegated to Town and Parish Councils, Shropshire Council will retain a legal obligation in respect of licensing and therefore requires an effective and efficient democratic process to administer this requirement.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Council Constitution.

Local Government (Miscellaneous Provisions) Act 1976

The Local Authorities (Functions an Responsibilities)(England) Regulations 2000

Human Rights Act Appraisal

The recommendations contained in this report are compatible with the provisions of the Human Rights act 1998.

Environmental Appraisal. Replacing Area Committees with a single sub committee meeting throughout Shropshire may increase the mileage travelled by some members attending meetings. It is anticipated that membership will be drawn from across Shropshire thus reducing the impact.

Risk Management Appraisal

As a quasi judicial function it is essential that members considering Licensing Act and ambling Act matters are appropriately trained. Passing responsibility for all Licensing matters to a single committee simplifies the management of training and reduces the risk of untrained members considering a case.

Community / Consultations Appraisal

No community consultation has been undertaken.

Cabinet Member: Cecilia Motley

Local Member None

Appendix

None