



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and date of Committee	LICENSING COMMITTEE – 22 SEPTEMBER 2022
Report Number	AGENDA ITEM NO 7
Subject	APPOINTMENT OF SUB-COMMITTEES FOR 2022/23
Wards affected	None
Accountable member	Chair of the Licensing Committee
Accountable officer	Andrew Brown, Democratic Services Business Manager Email: Andrew.Brown@publicagroup.uk
Summary/Purpose	To invite the Licensing Committee to confirm the appointment of Sub-Committees for the 2022/23 municipal year.
Annexes	None
Recommendation	<i>That the Licensing Committee resolves to:</i> <i>a) Appoint five members of the Committee to the Miscellaneous Licensing Sub-Committee in accordance with political proportionality and the wishes of political groups (2 Conservative, 2 Liberal Democrat, 1 Labour).</i> <i>b) Confirm that Licensing Panel membership will comprise the Chair or Vice Chair of the Licensing Committee and two other members of the Licensing Committee drawn on an alphabetical rota basis from the remaining members of the Licensing Committee (subject to their availability and completion of licensing training prior to participation in a Licensing Panel meeting), as detailed in paragraph 3.3.</i> <i>c) Note that the terms of reference of committees is on the work programme of the Constitution Review Group.</i>
Corporate priorities	A Vibrant District Economy: Securing future economic success through supporting existing local businesses and attracting new businesses to deliver the economic ambitions of the Local Industrial Strategy
Key Decision	NO
Exempt	NO
Consultees	Legal Services; Monitoring Officer; Licensing Team Leader

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BACKGROUND

- 1.1 The Council's Constitution provides that the Licensing Committee will have two Sub-Committees which have certain functions and responsibilities:
 - Miscellaneous Licensing Sub-Committee
 - Licensing Panel
- 1.2 The power to appoint members to Sub-Committees lies with the parent committee i.e. the Licensing Committee.

2. MISCELLANEOUS LICENSING SUB-COMMITTEE

- 2.1 This Sub-Committee is responsible for determining taxi, private hire and street trading applications in certain circumstances e.g. where the applicant has previous convictions. The provisions of the Local Government Act 1972 relating to Sub-Committees apply to the Miscellaneous Licensing Sub-Committee, meaning the membership must be appointed for a specified period of time (usually the duration of a municipal year), in accordance with political proportionality.
- 2.2 It is proposed that the Licensing Committee appoints five members of the committee (as in previous years) to the Miscellaneous Licensing Sub-Committee, in accordance with political proportionality, as set out in Table 1 below.

Table 1: Political proportionality on a five member Sub-Committee

Group	Conservative	Liberal Democrat	Labour	Green	Independent Group	Total
Real entitlement	2.04	1.53	0.92	0.2	0.2	4.89*
Rounded entitlement	2	2	1	0	0	5

**Non-grouped independent members impact overall proportionality but do not have an automatic entitlement to seats on committees and sub-committees.*

3. LICENSING PANEL

- 3.1 The Licensing Panel is responsible for determining Personal Licenses and Premises Licenses where representations are received, and for considering whether to grant Temporary Event Notices where objections are received from the Police or Environmental Health.

3.2 The Licensing Panel is a Sub-Committee which is governed by the provisions of the Licensing Act 2003 rather than the Local Government Act 1972. Under the Licensing Act 2003, a Licensing Committee must establish one or more Sub-Committees comprising three members of the Licensing Committee. Licensing Panels are not subject to political proportionality and the membership does not have to be fixed for a specified period of time. It is a requirement of the Council's Constitution that the members participating in Licensing Panel meetings have completed licensing training.

3.3 On 4 June 2014 the Licensing Committee resolved that the Licensing Panel will be appointed as follows:-

- The Chair or Vice-Chair of the Licensing Committee shall sit on and chair each meeting of the Panel.
- The other two members of each meeting of the Panel shall be drawn on an alphabetical rota basis from the remaining members of the Licensing Committee.
- In the event of a Member being unavailable or otherwise unable to sit for a particular hearing, the next Member on the rota be approached, with the former being eligible to sit at the next meeting instead.
- In the event of the Chair or Vice-Chair being unable to sit on a particular hearing the third member of the Panel shall be drawn from the membership of the Committee under the usual rota system and the Panel shall appoint a Chair for the hearing(s) from that membership as its first item of business.
- That no Member who has not attended appropriate training shall be permitted to sit at a meeting of the Licensing Panel.

3.4 The Licensing Panel membership arrangements set out in paragraph 3.3 are long-standing but to ensure enhanced visibility and clarity about Licensing Panel membership, officers would recommend that these arrangements are included in the Council's Constitution. The Council has established a Constitution Working Group which is expected to consider the terms of terms of reference of committees in late-September and report to Council on 19 October 2022. It is suggested that Licensing Panel membership is considered for inclusion in the Constitution as part of that work.

4. CONCLUSIONS

4.1 The Licensing Committee is asked to confirm the appointment of members to the Miscellaneous Licensing Sub-Committee and the Licensing Panel.

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications arising directly from the recommendations in this report.

6. LEGAL IMPLICATIONS

- 6.1 The legal issues relating to licensing sub-committees are detailed in the body of the report, specifically paragraphs 2.1 and 3.2.

7. RISK ASSESSMENT

- 7.1 Appointing sub-committees in accordance with the provisions of the law and the Constitution will help to ensure that licensing applications can be determined in a timely fashion and reduce the risk of challenge to decisions.

8. EQUALITIES IMPACT

- 8.1 The Committee is advised to have due regard to the need to promote equality when appointing Sub-Committees with responsibility for determining licensing applications.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 9.1 There are no climate or ecological implications arising directly from the recommendations in this report.

10. ALTERNATIVE OPTIONS

- 10.1 If the Licensing Committee wishes to change the size of the Miscellaneous Licensing Sub-Committee or membership arrangements for the Licensing Panel it could pass an additional resolution requesting that officers bring a report to a future meeting with alternative proposals.

11. BACKGROUND PAPERS

- 11.1 None