

REPORT TO	ON
GENERAL LICENSING COMMITTEE & LICENSING ACT COMMITTEE	13 JUNE 2017

Jan 2017



TITLE	AUTHOR	Agenda item No.
GENERAL LICENSING COMMITTEE & LICENSING ACT COMMITTEE – REVIEW OF CONSTITUTION AND INTRODUCTION OF MEMBER PANELS FOR HEARINGS	PETER HAYWOOD	

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is inform members of proposals to amend the Terms of Reference for the General Licensing Committee and the Licensing Act Committee, as set out in the Council's Constitution, with a view to introducing a revised structure which amalgamates both Committees. It is also the intention to introduce a more streamlined system for hearings with the introduction of smaller Sub-Committees.

2. RECOMMENDATIONS

- 2.1 That the draft Terms of Reference for a new Licensing Committee at Appendix 2 are approved and submitted to the Governance Committee on 28 June 2017 for consideration and recommendation to full Council in July 2017; and
- 2.2 That Members note the new process to introduce a Sub-Committee Panel of 3 members to provide a more streamlined system for hearings.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	X

4. BACKGROUND TO THE REPORT

- 4.1 As a result of previous difficulties encountered by the Licensing function, during early 2017 the Council requested that Commissioner Mary Ney (a senior manager at Rotherham Council with considerable experience in the transformation of Licensing services) undertake an independent review of the service. Commissioner Ney visited the Council on 21 – 23 March 2017, when she carried out a range of activities intended to enable her to better understand the Council's approach to the Licensing function. These included interviews with senior Council officers and members, and attending a meeting of the General Licensing Committee on 21 March.

4.2 On 23 March Commissioner Ney presented her review of the Licensing function to an audience which included members of the General Licensing Committee, as well as other officers and members. Whilst Commissioner Ney found much about which she could speak positively, one of the areas she felt could be made more robust related to the conducting of hearings (where the Committee sits as a quasi-judicial body to determine the suitability of an applicant / driver to hold a licence with this authority under the statutory “fit and proper” test). Commissioner Ney noted that the Committee currently sat as a full committee during such hearings; this could involve up to 11 members sitting in deliberation at any one time.

4.3 Local authorities across the country conduct licensing hearings in a variety of ways, ranging from the use of full committee to delegation to a single officer (although the trend is towards the use of smaller bodies to conduct proceedings). Each system has its own merits, and it is clear that the current South Ribble approach has the advantage of full member involvement in the process, with all members of the Committee playing a part in each decision.

4.4 However, it is also considered that the current system has certain disadvantages including:

- the large number of members in attendance makes it hard for the committee to develop and sustain a co-ordinated line of questioning (especially in cases where the driver / applicant may be unwilling to engage or the allegation is of a particularly sensitive nature;
- the number of members present in a formal environment may intimidate some drivers / applicants and undermine the committee’s attempts to gather information from the person in front of them; and
- larger meetings are administratively unwieldy, requiring a large number of members to attend each hearing session. This problem will be exacerbated by the more proactive approach to Licensing enforcement which the Council has now adopted, with an increased number of hearings more likely in future.

5. EXISTING CONSTITUTIONAL ARRANGEMENTS

5.1 A copy of the Council’s current Terms of Reference for both the General Licensing Committee and the Licensing Act Committee is attached as Appendix 1. Members may consider this to be brief and not fully reflective of the Committee’s wider role and responsibilities.

5.2 In addition the current system of having two Committees dealing with different aspects of Licensing matters, but with the same elected members appointed to each Committee, is not necessarily the most effective way to deal with Licensing matters and a more streamlined approach would be beneficial.

6. PROPOSED NEW ARRANGEMENTS

6.1 In view of the above concerns it is proposed to amalgamate the two existing Licensing Committees to form a new single all-purpose Licensing Committee. New revised Terms of Reference for the Licensing Committee are attached at Appendix 2.

6.2 It is also proposed to introduce a new and more streamlined system for hearings. It is proposed that in future:

- hearings should be heard by a Sub-Committee Panel consisting of 3 members only, drawn from the Licensing Committee;
- in order to ensure consistency of approach across all the hearings which take place, each Sub-Committee should be chaired by either the Chair or Vice Chair of the Licensing Committee;
- other member vacancies on the Panels would be filled on a rota basis to ensure that all members continue to play a positive role in the practical work of the Committee and contribute to its output; and
- it is suggested that – for matters concerning taxi licensing but not liquor licensing - members (other than the Chair/Vice-Chair of the Panel depending on availability) should be allocated in accordance with political balance.

6.3 Otherwise, the agreed procedures for Sub-Committee Panels would remain the same as for a hearing at full committee, eg Legal Services will attend and draft the Decision Notice and the Licensing Manager will present details of the allegations.

6.4 This new suggested approach would:

- enable hearings to be pulled together more speedily and flexibly in order to prevent a backlog of hearings building up, which is currently the case; and
- the hearing process would be brought more into line with that of other licensing authorities, very few of whom are now seen to hold hearings at full committee level.

7. TIMESCALES & PRACTICAL IMPLICATIONS

7.1 The amended Terms of Reference at Appendix 2 will be submitted to the Council's Governance Committee, as part of the wider review of the Council's Constitution, at their meeting on 28 June 2017 and to full Council on 19 July 2017 for formal approval.

7.2 Accordingly it is proposed that the new system of one Licensing Committee and of smaller Sub-Committee Panels will take effect from the formal approval by full Council, with the September Committee cycle being the practical start date for meetings.

8. CONCLUSION

8.1 The proposal to adopt revised Terms of Reference would enable the introduction of a modern and streamlined structure which would allow the new Licensing Committee to adopt a more strategic role and develop its expertise and apply it to a larger number of hearings (in response to a fluctuating – but increasing - workload) through smaller and more agile Sub-Committees..

8.2 Members would still be actively involved through their roles on the Sub-Committees as allocated, as well as retaining an overall responsibility for policy development in an area of key importance for the authority.

9. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

9.1 Comments of the Statutory Finance Officer

There are no financial implications arising from this report.

11.2 Comments of the Monitoring Officer

The Licensing Committee has the power to delegate its functions to a Sub-Committee for hearings. This should enable a more effective and streamlined approach.

<p>Other implications:</p> <ul style="list-style-type: none">• Risk • Equality • HR	<p>Members may become disengaged from the Licensing process. However, this will be overcome by regular scheduled attendance on Panels and the overall responsibility for policy development which is still retained.</p> <p>None</p> <p>None</p>
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12. BACKGROUND DOCUMENTS (or there are no background papers to this report)

- Appendix 1 – existing Terms of Reference
- Appendix 2 – proposed Terms of Reference