

Central
Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



CONSTITUTION ADVISORY GROUP

DATE: 25 AUGUST 2009

TITLE	Licensing Sub Committee	ITEM NO.
REPORT OF	Assistant Director of Community Safety and Public Protection	3

PURPOSE	At the request of the Regulation Committee, to draw the Advisory Group's attention to consideration being given to reviewing the governance arrangements for consideration of liquor licensing applications.
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ORIGIN OF PROPOSAL	Concerns were expressed by the Licensing Committee at its meeting held on 18 June at the concept of only having one sub committee to deal with liquor licensing applications. The Regulation Committee, at its meeting on 18 June suggested that the Advisory Group's attention should be drawn to this matter.
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RECOMMENDATION:

- (1) That the Advisory Group note that the Licensing Committee, at its meeting to be held on 14 October 2009, will be reviewing the governance arrangements for consideration of liquor licensing applications; and

(2) That any minor consequential adjustments required to the Constitution be reported to the Constitution Advisory Group in due course.

SUPPORTING INFORMATION

1. At the meeting of the Regulation Committee held on 15 July 2009, a view was expressed that there should be more than one Licensing Sub Committee. As the Advisory Group will be aware, the Constitution currently provides for one sub committee comprising 3 members, with the Chairman and Vice-Chairman being appointed by the Licensing Committee (Part E2 - paragraph 3 of the Constitution). The Licensing Committee at its meeting following the annual meeting of the Council on 18 June 2009 appointed three members to serve upon the sub committee but agreed that the Chairman and Vice-Chairman should be appointed at each meeting. In so doing however, some members commented that the establishment of just one sub committee precluded other members of the Licensing Sub Committee from engaging in the consideration of liquor licensing applications.
2. This matter was raised again at the meeting of the Regulation Committee on 15 July and the principle of all members of the Licensing Committee forming a pool from which the sub committee could be drawn was suggested. It was suggested that perhaps this matter should be drawn to the attention of the Constitution Advisory Group.
3. When the Licensing Act 2003 came into force, Counsel's opinion was taken by Mid Bedfordshire District Council which suggested that the legality of operating a "pool" of members was questionable and should therefore be avoided. In the light of the request of the Licensing/Regulation Committee however, and given the length of time since the legal position was last reviewed, further legal advice has now been obtained which suggests that it would indeed be possible to proceed on the basis of a pool of Members.
4. Officers intend to report back to the Licensing Committee at its meeting to be held on 14 October, advising of the latest legal position and inviting the Licensing Committee to determine whether it does wish to proceed on the basis of establishing a pool of members from which the sub committee will be drawn or whether it wishes, on reflection, to appoint more than one sub committee.
5. The Constitution already permits the Licensing Committee to establish **one or more** sub committees to discharge its functions under the Licensing Act 2003.
6. The only potential amendment therefore which might be required, dependent upon the deliberations of the Licensing Committee, is paragraph 3 of Part E2 which sets out the number of members and who appoints the Chairman and Vice-Chairman of the sub committee.

6. The Advisory Group will be advised of any consequential amendment which may be required following consideration by the Licensing Committee.
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Key Background Papers:
None