

# **Report to the Constitution and Member Services Standing Scrutiny Panel**

**Date of meeting: 22 March 2010**



**Subject:** Licensing Committee - Review of Membership

**Responsible Officer:** Ian Willett (01992 564243) and  
Alison Mitchell (01992 564017)

**Democratic Services Officer:** Mark Jenkins (01992 564607)

## **Recommendations:**

- (1) To defer consideration of whether to increase the number of members appointed to the Licensing Committee;
- (2) To approve an additional paragraph 3.4 for inclusion in Appendix 4 (Annex 3) (Conduct of Business by the Licensing Committee and Sub-Committees) as follows:  
  
"3.4 In the case of any hearing pursuant to the summary review procedure under the Violent Crime Reduction Act 2006, the membership of any Sub-Committee adjudicating on such a review shall comprise any three members drawn from the Licensing Committee subject to the proviso that no member should serve more than one hearing."
- (3) That the Overview and Scrutiny Committee and the Council be recommended to approve this change and publish this new paragraph in the Constitution.

## **Report:**

### **Introduction**

1. The Licensing Committee of the Council is currently constituted from 15 Councillors, divided between the political groups in accordance with pro-rata rules. It was thought that a review of the number of members serving on the Licensing Committee was necessary as a result of new Police initiatives under the Violent Crime Reduction Act 2006. This Act allows the Police to seek summary reviews of licences for premises which have a history of anti-social or similar behaviour.
2. The summary review procedure allows the Police to initiate an expedited review of the premises licence if a senior officer of the force is of the opinion that the premises in question are associated with serious crime or serious disorder or both.
3. Within 48 hours of receipt of the application, the Licensing Authority must give the premises licence holder and responsible authorities a copy of the certificate and must consider whether it is necessary to take interim steps. The Authority may consider the application without giving the holder of the premises licence an opportunity to make representations.
4. A number of interim steps can be considered by the Licensing Authority and these relate to the conditions of the premises licence, exclusion of the sale of alcohol by retail, removal of the designated premises supervisor from the licence or the suspension of the licence itself.

## Summary Reviews - Procedure

5. If the authority decides that interim steps are necessary, the licence holder may make representations to the Licensing Authority. On receipt of the representations the authority must hold a hearing within 48 hours of receipt of those representations unless they are withdrawn. The procedure followed is for 3 members of the Licensing Committee to be constituted as a Licensing Sub-Committee to hold a hearing. At that hearing the Licensing Sub-Committee must consider whether the interim steps are necessary for the promotion of licensing objectives and determine whether to withdraw or modify the steps taken.
6. A second Licensing Sub-Committee meeting is required for the purpose of considering any interim measures which are necessary before a full review hearing on a date to be set within a few weeks. This second Sub-Committee meeting requires that a different group of 3 Councillors are involved in the decision.
7. A third Sub-Committee meeting is required in order to carry out a full review of the licensing position. At this meeting the options available include modifying the conditions of the premises licence or add new conditions, exclude from the licence a licensable activity, suspend licences for a period of not exceeding 3 months, revoke a licence or make no change to a licence. This third hearing requires a further 3 members of the Licensing Committee to meet in order to adjudicate on the application.
8. This process operates along side all the other activities which are conducted by the Licensing Committee and Licensing Sub-Committees which are convened from time to time. As can be imaged the summary review procedure is a demanding process and the procedures adopted must be robust enough to withstand any challenge on procedural grounds to the decisions reached.
9. This procedure is not currently covered in the Constitution rules regarding the conduct of business by the Licensing Committee and its Sub-Committees. It is recommended that the importance of discrete memberships should also be set out in Appendix 4 (Annex 3) for Part 3 of the Constitution (attached) and a new paragraph (to be numbered 3.4) added as set out in recommendation (2) at the commencement of this report.