



Alcohol and Entertainment Licensing Committee

5 December 2016

Report from the Interim Chief Legal Officer

For Action

Wards affected:
WARDS

Changes to the Constitution - Arrangement for Flexible Substitutes

1.0 Summary

- 1.1. At the last Full Council meeting, a report that proposed a number of changes to the Council's Constitution including more flexible arrangements for substitutes for the Alcohol and Entertainment Licensing Sub-Committees was agreed. The Chief Legal Officer was charged with amending the Constitution accordingly.

2.0 Recommendations

- 2.1 That Members approve the flexible arrangements for substitutes for the Alcohol and Entertainment Licensing Sub-Committees
- 2.2 That all remaining members be appointed to each of its Sub-Committees to enable any member from this pool to be selected

3.0 Detail

- 3.1 It is proposed that Standing Orders be amended to permit the Alcohol and Entertainment Licensing Committee to appoint a larger pool of substitutes for each of its 3 sub-committees from which any Member may be selected as and when the need arises.
- 3.2 The Licensing Act 2003 requires the Council to hold hearings as and when the need arises to determine contested matters such as applications for the grant, variation or review of premises licences or club premises certificates as well as personal licences and Temporary Event Notices (TENs). These hearings require 3 Members.

- 3.3 The Council's Alcohol and Entertainment Licensing Committee (which has 15 Members) has appointed 3 Sub-Committees (A), (B) and (C) with 3 Members of the main Committee appointed to each Sub-Committee. In addition, 5 Members of the main Committee have been appointed as substitute Members for each Sub-Committee.
- 3.4 The lead in times for hearings is prescribed by law. For most hearings, this will be 20 working days. For others, however, it is much shorter. For example, for TENs it is 7 working days; for summary review hearings it is 48 hours.
- 3.5 Arranging Sub-Committee hearings at short notice or ad hoc is proving to be difficult. It is understandable why Members with work and other commitments are unable to make themselves available in such circumstances to attend hearings. That being the case, in order to ensure the Council can hold hearings within prescribed time limits and, as efficiently as possible, it is proposed that standing orders be amended so that all Members of the main Committee can be appointed to each Sub-Committee as substitutes, if they are not already a member of the Sub-Committee.
- 3.6 This will mean that there is a bigger pool of substitute Members to draw from. It will also mean that more Members can be involved in licensing hearings.
- 3.7 The proposed changes to Standing Order 55(b) are set out below:

“55. Appointment of and Changes to Substitute Members

- (a) The Council may appoint a pool of substitute members from which a member may be selected to speak and vote in the absence of a member of the committee provided that the substitute member is not already a member of the committee. Each pool shall number up to the number of members comprising membership of the committee and be divided according to the political balance on the committee, save that where a group has only one member on the committee up to two members may be appointed to the pool. A member of a committee (or the appropriate Group Whip) shall notify the Head of Executive and Member Services at least two hours before a meeting that a substitute member will be attending in their place.
- (b) A parent Committee may appoint a pool of substitute members to its sub-committees in the same manner as is described in (a). However the Alcohol and Entertainment Licensing Committee may appoint all remaining Committee members to each of its Sub-Committees and select any member from this pool.

4.0 Financial Implications

- 1.2. None.

2.0 Legal Implications

2.1. None.

3.0 Equality Implications

3.1. None.

4.0 Staffing/Accommodation Implications (if appropriate)

None.

Background Papers

Contact Officers

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