



**Licensing Committee**  
22 May 2018

**Report from the Director of Legal  
and HR Services**

**Sub-Committee Appointments and Decision-making  
Arrangements**

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Non-Key
<b>Open or Part/Fully Exempt:</b> (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
<b>No. of Appendices:</b>	One: • Licensing - Sub-Committee Allocations (to follow)
<b>Background Papers:</b>	N/A
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## 1.0 Purpose of the Report

- 1.1 In anticipation of an extension to the remit of the Licensing Committee, this report proposes new decision making arrangements.
- 1.2 It also fulfils the Committee's duty to review and determine the representation of political groups on its Regulatory Sub-Committee (if established) and to make appointments in accordance with the wishes of the political groups concerned.

## 2.0 Recommendations

That the Committee:

- 2.1 Notes the extension to the remit of the Committee.
- 2.2 Approves the proposals set out in paragraphs 3.7 and 3.9 of this report.

- 2.3 If established, agrees the allocation of seats to political groups on the Regulatory Sub-Committee, in accordance with political balance rules; and
- 2.4 Appoints Members and substitutes to each of its Sub-Committees.

### **3.0 Detail**

#### ***Extension of remit***

- 3.1 On 14 May 2018, Full Council will consider various changes to the Constitution including extending the remit of this Committee and approving in principle some aspects of its decision making arrangements. As the deadline for the publication of this report precedes the meeting of Full Council, it anticipates the approval of these changes and discusses the consequential decisions the Committee needs to take.
- 3.2 The changes propose that the Committee is restyled as the Licensing Committee, reduce in size from 15 to 10 Members and that its responsibilities are extended to cover all of those of the Council's licensing and registration functions which are not the responsibility of Full Council or Cabinet.
- 3.3 As it has since its inception, when discharging licensing functions under the Licensing Act 2003 and the Gambling Act 2005, the Committee will continue to act as the Council's statutory licensing committee for the purposes of those Acts.
- 3.4 In practice, these functions have been discharged by the Committee's three Sub-Committees (A, B and C) and officers.
- 3.5 In future, the Committee will also exercise the Council's other (non-executive) licensing and registration functions - which were the responsibility of the General Purposes Committee – and to that extent will also be an ordinary committee of the Council.

#### ***Alcohol, entertainment and gambling licensing***

- 3.6 As mentioned, the Committee has relied upon its three Sub-Committees to conduct hearings and deal with such other Licensing Act/Gambling Act matters that cannot be delegated to officers.
- 3.7 It is proposed that:
- the Committee establishes a single three Member sub-committee called the 'Alcohol and Entertainment Licensing Sub-Committee';
  - the Chair, Vice-Chair and one other Member of the Committee be appointed to this Sub-Committee;
  - only the seven other Members of the Committee be appointed as substitutes for this Sub-Committee so that any of these seven Members can be selected whenever the needs arises;
  - this Sub-Committee will be chaired by the Chair or, in his/her absence, the Vice-Chair of the Committee;

- in the absence of the Chair or Vice-Chair, one of the three Sub-Committee Members chosen by the Sub-Committee will act as Chair;
- the Committee approves the following Sub-Committee delegations:

*'To consider and determine applications and other matters under the Licensing Act 2003 which cannot be determined by officers in accordance with section 10 of the Licensing Act 2003 or any other enactment and any other matter referred to it for determination by the Strategic Director Regeneration and Environment.'*

*'To consider and determine applications and other matters under the Gambling Act 2005 which cannot be determined by officers in accordance with section 10 of the Licensing Act 2003, as applied by various provisions of the Gambling Act 2005 or any other enactment, and any other matter referred to it for determination by the Strategic Director Regeneration and Environment.'*

- the Committee approves the following delegations to the Strategic Director Regeneration and Environment:

*'To consider and determine applications and other matters under the Licensing Act 2003 which can be determined by officers in accordance with section 10 of the Licensing Act 2003 or any other enactment.'*

*'To consider and determine applications and other matters under the Gambling Act 2005 which can be determined by officers in accordance with section 10 of the Licensing Act 2003, as applied by various provisions of the Gambling Act 2005 or any other enactment.'*

- 3.8 Given the frequency of licensing hearings, appointing substitutes from the full membership of the Committee will ensure that, over a period of time, all available Committee Members will have the opportunity to decide contested applications and conduct hearings.

***All other (non-executive) licensing and registration functions***

- 3.9 In response to the extension of the Committee's remit, it is further proposed that:

- another sub-committee be established, called the 'Regulatory Sub-Committee', comprising of 5 Members, to exercise all of the Committee's non-Licensing Act and Gambling Act functions;
- this Sub-Committee will be chaired by the Chair or, in his/her absence, the Vice-Chair of the Committee;
- in the absence of the Chair or Vice-Chair, one of the five Sub-Committee Members chosen by the Sub-Committee will act as Chair;
- only the other five Members of the Committee be appointed as substitutes for this Sub-Committee so that any of these five Members can be selected whenever the needs arises;

- the Committee approve the following Sub-Committee delegations:

*'To discharge all of the Licensing Committee's licensing and registration functions which do not relate to the Licensing Act 2003 or the Gambling Act 2005.'*

- 3.10 Existing officer delegation arrangements, whether based on specific committee delegations or the Council's general scheme of officer delegations (as set out in Part 3 of the Constitution) will continue to apply in respect of these general licensing and registration functions.

### **Political balance**

- 3.11 There is no legal requirement to apply political balance rules to the Alcohol and Entertainment Licensing Sub-Committee and it would be impractical to do so. The need for Licensing Act hearings is frequent, and sometimes urgent, and securing the availability of Members is not always straightforward. Therefore, maximum flexibility is essential.
- 3.12 As the Committee has now also been constituted as an ordinary committee of the Council so that it can carry out additional functions, statutory political balance rules apply to the Committee.
- 3.13 Accordingly, when at its meeting on 14 May 2018 Full Council reviews and determines the representation of political groups on its main committees, it will do so for this Committee too. Subsequently, it will make appointments in accordance with the wishes of the political groups concerned.
- 3.14 If the Committee establishes a Regulatory Sub-Committee, it has a statutory duty to review and determine the representation of political groups on that Sub-Committee as soon as practicable after Full Council's review. The Committee then has a duty to make appointments to that Sub-Committee giving effect to the wishes of the political group allocated seats.
- 3.15 The allocation of seats is determined by applying the political balance principles prescribed by the Local Government and Housing Act 1989 and supplemented by the Local Government (Committees and Political Groups) Regulations 1990. These principles are set out below and are designed to ensure that the political composition of committees and sub-committees, as far as reasonably practicable, replicate the political composition of Full Council.
- 3.16 The political balance principles are:
- (i) That not all the seats on the sub-committee are allocated to the same political group.
  - (ii) That the majority of the seats on the sub-committee are allocated to a particular political group if the number of persons belonging to that group is a majority of the Council's Membership.
  - (iii) Subject to paragraphs (i) and to (ii) above, that the number of the seats on the sub-committee which are allocated to each political group bears the same proportion to the number of all the seats on that sub-

committee as is borne by the number of Members of that group to the Membership of the Council.

- 3.17 As a result of the local poll in the recent borough elections for Willesden Green ward being countermanded Members are asked to note that the review detailed within this report has been based on a temporary Council Membership of 60 as opposed to 63 councillors. Once the election in that ward has been held, a further review will need to be undertaken to confirm the final representation of political groups on the Council and allocation of seats on committees. This will include the need for a further review by the Committee in relation to its Regulatory Sub Committee.
- 3.18 The composition of the Council is therefore currently as follows:  
57 Labour Group councillors (95%) and 3 Conservative Group councillors (5%).
- 3.19 Based on a Regulatory Sub-Committee with 5 seats, the Labour Group is entitled to an allocation of 4 seats and the Conservative Group is entitled to be allocated the remaining seat.
- 3.20 Having regard to the wishes expressed by the political groups, which will be reported at the meeting, the Committee is requested to appoint 5 Members to this Sub-Committee.

#### **4.0 Financial Implications**

- 4.1 There are none arising directly from this report.

#### **5.0 Legal Implications**

- 5.1 These are addressed in the body of the report

#### **6.0 Equality Implications**

- 6.1 There are none arising directly from this report.

#### **7.0 Consultation with Ward Members and Stakeholders**

- 7.1 The proposed changes have been discussed by the Constitution Working Group at its meeting in May 2018.

**Report sign off:**

**DEBRA NORMAN**

Director of Legal and HR Services