

Item 8 Licensing Sub-Committee Arrangements

Report of the Head of Administration (Portfolio: Corporate)

Recommended:

- 1) That the membership of the Licensing Sub-Committee be comprised of three members of the Licensing Committee determined in accordance with minute 466 of Licensing Committee 27/01/05, minute 583 of Licensing Committee 20/04/06 and minute 109 of Licensing Committee 26/06/07.**
- 2) As an alternative arrangement those members where possible being selected on the basis of one Liberal Democrat and two other members.**
- 3) That the Sub-Committee meets during the day and meetings be held in either: Beech Hurst, Andover; the Guildhall, Andover; Crosfield Hall, Romsey; or any other suitable accommodation.**

SUMMARY:

- Various matters relating to the Licensing Act 2003 and Gambling Act 2005 are determined by Licensing Sub-Committees established back in 2005 and re-established annually
- It is recommended that Andover hearings be held at Beech Hurst rather than the Guildhall and that political proportionality continue to be applied where possible but if it cannot be achieved that this not prevent a meeting from proceeding.

1 Introduction

- 1.1 The Licensing Act 2003 and Gambling Act 2005 require contested applications and certain other matters to be determined before hearings heard by Sub-Committees comprising three members. Sub-Committees were first established in 2005 to deal with a potentially significant number of hearings associated with the introduction of the Licensing Act 2003. These Sub-Committees were re-established in 2007 to take on the responsibilities associated with the introduction of the Gambling Act 2005.
- 1.2 The arrangements relating to the establishment and operation of Sub-Committees are now in need of revision. When first established it was proposed that meetings would be held in the Guildhall, Andover and the Council Chamber, Duttons Road. With the closure of the Romsey offices it is necessary to amend the procedures to state that Romsey hearings will take place at the Crosfield Hall. It was originally anticipated that a significant number of applications would be received requiring hearings to be held on a regular basis. Accordingly, Andover hearings would be held in the Guildhall so as not to use up the meeting accommodation at Beech Hurst.

Now that the number of hearings has reduced significantly this is no longer appropriate. It is therefore suggested that Andover hearings be held at Beech Hurst where possible although the Guildhall will be retained as a hearings venue should Beech Hurst be unavailable. The recommendation includes the phrase “any other suitable accommodation” to take account of any occasions where the usual meeting venues are unavailable and thus officers may need to make use of other accessible meeting venues.

- 1.3 The legislation regarding political proportionality at Council meetings does not apply to Licensing Sub-Committees. However, from the outset it was agreed that proportionality would apply to Sub-Committees. To date, it has been possible to achieve this although on occasions it has proved difficult to do so. The present requirement for Sub-Committee membership to comprise one Liberal Democrat and two other members is on most occasions easy to achieve with the current political composition of the authority. However, if this were to change then that may no longer continue to be the case. Accordingly, it is recommended that in future political proportionality be applied, where possible, but that if it is not possible to do so then this should not prevent a meeting from taking place.

2 Background

- 2.1 At its January 2005 meeting (Minute 466 of 27 January refers) this Committee agreed to establish Licensing Sub-Committees comprising three members. It was also agreed that those members would be selected on the basis of one Liberal Democrat and two other members. It was further agreed that Sub-Committee meetings would be held in the Guildhall, Andover or the Council Chamber, Romsey.

3 Corporate Objectives and Priorities

- 3.1 The establishment of Licensing Sub-Committees is a statutory requirement and does not directly relate to any of the Council’s corporate priorities.

4 Consultations/Communications

- 4.1 As this is an entirely internal matter no consultation has taken place. The recommendation to move Andover meetings to Beech Hurst was first suggested by a member.

5 Options and Option Appraisal

- 5.1 The options are either to accept the recommended changes to arrangements or maintain them as they are at present. For the reasons outlined in section 1 above officers consider that the recommended changes will better facilitate the organisation of Sub-Committee meetings.

6 Resource Implications

- 6.1 Moving Andover hearings to Beech Hurst will produce a small saving as the Guildhall will no longer have to be opened especially to hold meetings thus saving staff time and associated building costs. It has not been possible to quantify this saving.

7 Legal Implications

- 7.1 There are no specific issues arising from the recommendations. As previously mentioned, the establishment of Licensing Sub-Committees is a specific requirement of both the Licensing and Gambling Acts.

8 Equality Issues

- 8.1 An Equalities Impact Assessment (EQIA) has not been undertaken as the proposed recommendations do not represent a significant policy change. Moving Andover hearings may be beneficial in that Beech Hurst has better physical access than the Guildhall.

9 Other Issues

- 9.1 Community Safety – none.
- 9.2 Environmental Health/Sustainability Issues – none.
- 9.3 Property Issues – see paragraph 6.1.
- 9.4 Wards/Communities Affected – none directly.

10 Conclusion

- 10.1 The arrangements relating to the establishment and operation of Sub-Committees are now in need of revision. It is recommended that Andover hearings be held at Beech Hurst rather than the Guildhall and that political proportionality continue to be applied where possible but if it cannot be achieved that this not prevent a meeting from proceeding. Officers consider that the recommended changes will better facilitate the organisation of Sub-Committee meetings.

Background Papers (Local Government Act 1972 Section 100D)

Minute 466 of Licensing Committee 27/01/05, minute 583 of Licensing Committee 20/04/06 and minute 109 of Licensing Committee 26/06/07.

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	Nil		
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