

Agenda Item No: 6
Report To: Selection & Constitutional Review Committee
Date: 8 October 2015
Report Title: Amendment to Appendix C of the Terms of Reference of the Licensing Sub-Committee
Report Author: Head of Legal and Democratic Services



Summary:	The purpose of this report is to seek members' agreement to amend Appendix C of the Terms of Reference of the Licensing Sub-Committee to make the appointment rules less restrictive.
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Key Decision: NO

Affected Wards: None

Recommendations: **The Selection and Constitutional Review Committee be asked to:-**

Recommend to the Council that the suggested amendment to Appendix C be agreed.

Policy Overview: N/A

Financial Implications: None

Risk Assessment NO

Equalities Impact Assessment N/A

Other Material Implications: None

Background Papers: None

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Purpose of the Report

1. To seek members' agreement to amend Appendix C of the Terms of Reference of the Licensing Sub-Committee.

Background

2. Appendix C of the Terms of Reference of the Licensing Sub-Committee details the procedures to be followed in respect of Summary Reviews, of licences including "Interim Steps" Reviews.
3. Following a recent Interim Steps decision and Summary Review of a Premises Licence it has become apparent that the last sentence of the final bullet point of Appendix C is unnecessarily restrictive. It states that '*A fresh Sub-Committee shall be formed to deal with the full review and shall exclude those 3 Members who made the initial interim decision(s)*'
4. The appointment of a different panel of members for the two processes is not a legal requirement under the Licensing Act 2003 or any other associated legislation. Since it significantly reduces the pool of members from which one can select for the hearing in question, it should only be used if there is a legal or other requirement to justify it.
5. Whilst the intention of this provision may have been to ensure fairness of proceedings by way of the elimination of any possible bias on the basis the members may be considered to have heard the matter before, in fact the two hearings are fundamentally different and so the risk of bias is negligible. The nature of both the hearings and the facts presented to each sub-committee is different.
6. An "Interim Steps" hearing is convened to look at the necessity of immediate short term measures (pending a full review hearing) based on immediate issues surrounding recent events and the impact thereof. A subsequent full review hearing is looking at the premise as a whole over the length of time it has been licensed and is looking at whether permanent changes should be made to a licence and the operation of the premises based on the full picture and facts over a longer period of time.
7. Accordingly it is recommended that the sentence referred to in para 3 above be removed from the Terms of Reference of the Licensing Sub Committee

Handling

8. Subject to Council approving the recommendation the Constitution will be amended accordingly.

Portfolio Holder's Views

9. Will be given at the meeting.

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