

REPORT TITLE **Licensing Sub Committee Quorum**

Submitted by: **Democratic Services Manager**

Portfolio: **Culture and Leisure**

Ward(s) affected: **All Wards**

Purpose of the Report

To request that the Committee update the remit of the Licensing Sub Committee to include reference to a quorum for the Committee. The recommendation is that this quorum be 3 Members.

The Committee is also requested to consider whether it would be desirable to, where possible request a fourth member of the Licensing Committee to be on standby for all Licensing Sub Committee meetings in case the quorum is not met.

It must however be noted that given the limited availability of members during the day, it may not always be possible to have a member on standby and this must not delay any organisation or holding of a subcommittee meeting.

Recommendations

- a) **That the Committee ratify a licensing Sub-Committee quorum of no less than three members in attendance for each hearing.**
- b) **That whenever possible a fourth member will be asked to be on stand by for a meeting of the Licensing Sub Committee but the non-availability of a fourth member should not prohibit the meeting from proceeding.**

Reasons

To provide clarity in relation to member attendance at meetings of the Licensing Sub Committee.

1. **Background**

In December 200 Full Council resolved to establish a new Licensing Committee comprising 15 elected members responsible for the administration and enforcement of the provisions of the Licensing Act 2003.

Section 9 of the Licensing Act 2003 states:

Proceedings of licensing committee

- (1) A licensing committee may establish one or more sub-committees consisting of three members of the committee.

- (2) Regulations may make provision about—
- (a) the proceedings of licensing committees and their sub-committees (including provision about the validity of proceedings and the quorum for meetings),
 - (b) public access to the meetings of those committees and sub-committees,
 - (c) the publicity to be given to those meetings,
 - (d) the agendas and records to be produced in respect of those meetings, and
 - (e) public access to such agendas and records and other information about those meetings.
- (3) Subject to any such regulations, each licensing committee may regulate its own procedure and that of its sub-committees.

2. **Issues**

At a recent meeting of the Licensing Sub Committee only two members were able to attend on the day. At this point the Committee was asked to hear the review with just two members. Following consultation, agreement was reached with all parties that as Newcastle under Lyme Borough Council did not have a quorum policy, the hearing should be adjourned to a future date to ensure that three members could be in attendance.

Whilst section 9(1) of the Licensing Act 2003 states that Sub-Committees are to consist of three members, it does not make requirements as to the quorum. Section 9(2) allows there to be regulations as to the proceedings of Sub-Committees but Section 9(3) states that subject to such regulations the Licensing Committee may regulate its own procedure and that of its Sub-Committees. It is apparent there is no such quorum fixed for the Licensing Sub-Committee

3. **Options Considered**

To agree a quorum of three members for each Licensing sub-committee with a fourth member on standby where possible.

Reasons for Preferred Solution

Meetings of the Licensing Sub Committee can often require attendance from multiple partner organisations such as Staffordshire Police, Staffordshire fire, Environmental Health and Trading Standards. Members of the public who have submitted representations are also invited to attend along with elected members and officers of the Council. Therefore every possible step must be taken to ensure that meetings of the Licensing Sub Committee are able to proceed without delay and where possible on the original published date and time.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- Creating a clean, safe and sustainable Borough
- Creating a Borough of opportunity
- Creating a healthy and active community

- Becoming a co-operative council which delivers high quality, community-driven services.

7. **Legal and Statutory Implications**

As detailed in the Licensing Act 2003 Section 9.

8. **Equality Impact Assessment**

There will be no adverse impact from the implementation of the recommendation.

9. **Financial and Resource Implications**

None.

10. **Major Risks**

By not specifying a quorum the Council may be at risk of a legal challenge should a meeting of the Sub Committee have to be re convened do to less than three members being in attendance.

11. **Key Decision Information**

This is not a key decision.

12. **Earlier Cabinet/Committee Resolutions**

Minutes of the meeting of Full Council held on 5th December 2013.

13. **List of Appendices**

None