

Agenda Item 9.

TITLE	Licensing Sub-Committees Composition
FOR CONSIDERATION BY	Licensing and Appeals Committee on 25 June 2019
WARD	None Specific;
LEAD OFFICER	AD Governance, Andrew Moulton

OUTCOME / BENEFITS TO THE COMMUNITY

Removing the requirement to have politically balanced Sub-Committees will strengthen the Council's position against potential legal challenges.

RECOMMENDATION

That the Committee agrees to: Recommend to the Constitution Review Working Group that the requirement for Licensing Sub-Committees to be politically balanced be removed.

SUMMARY OF REPORT

Licensing Sub-Committees, consisting of three Members, are convened under the Licensing Act 2003, and the regulations in relation to political balance do not apply. Under the Licensing Act all Members of the Licensing and Appeals Committee are eligible to sit on Sub-Committee hearings provided that:

- they have received Licensing training
- the application under consideration does not fall within the ward they represent
- they do not have an interest in the case

Licensing Sub-Committees are convened to determine a wide range of issues such as: premises licence reviews, taxi hearings, personal licences, street trading consents, etc. These meetings must be heard within 20 working days of the end of the consultation period, or as soon as possible in the case of taxi hearings. They are normally held during working hours and their duration varies considerably.

The issue of political balance has been raised by an appellant who complained that a particular Licensing Sub-Committee was composed of Members from only one political Group. The advice from the Legal Department was that there is no legal requirement to make these meetings politically balanced. However, a decision by Council which states that "the principles of proportionality be applied when Members are appointed to Sub Committees, Panels or Working Groups" means that Licensing Sub-Committees do have to adhere to this rule.

Whilst it is desirable to have politically balanced Sub-Committees, this is not always possible due to Members' availability and having to comply with the other eligibility criteria as set out above. It is therefore proposed that the Constitution Review Working Group be asked to recommend to Council that the principles of political proportionality need not apply in relation to Licensing sub-committees. This change would also protect the Council from any potential legal challenges in relation to the composition of such sub-committees.

Background

The Licensing and Appeals Committee agreed at the 27 June 2018 meeting that whenever there is a requirement to convene a Sub-Committee, Democratic Services will send an email to all the Members of the Licensing and Appeals Committee and the selection will be made purely on a first come first serve basis.

Sub-Committee meetings are held during working hours and Members' availability has been historically limited.

Analysis of Issues

Not approving this change could leave the Council vulnerable to legal challenges.

Imposing political balance would make convening meetings more difficult. Also, smaller political groups would have to rely on a fewer number of Members to always be available to sit in Sub-Committees.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council continues to face severe financial challenges over the coming years as a result of reductions to public sector funding and growing pressures in our statutory services. It is estimated that Wokingham Borough Council will be required to make budget reductions of approximately £20m over the next three years and all Executive decisions should be made in this context

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	N/A		
Next Financial Year (Year 2)	N/A		
Following Financial Year (Year 3)	N/A		

Other financial information relevant to the Recommendation/Decision

N/A

Cross-Council Implications

N/A

List of Background Papers

The Licensing Act 2003
Political Balance of the Council and Allocation and Appointment to seats on Committees and Boards report agreed by Council at its meeting held on 22 May 2019

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