

AGENDA ITEM: 6 Page nos.

Meeting	Licensing Committee
Date	21 May 2008
Subject	Licensing Sub – Committees: Future Arrangements
Report of	Democratic Services Manager
Summary	<p>The Committee are asked</p> <ul style="list-style-type: none"> (i) to give instructions as to the future arrangements for the Licensing Sub – Committees in the light of the outcome of research into the arrangements adopted by other local authorities.; and (ii) to appoint the Sub- Committees (iii) to delegate agreement on the calendar for the coming year to the Chairman of the Committee (iv) to review the new arrangements after one year

Officer Contributors	Janet Rawlings, Democratic Services Officer Cheryl Powell, Temporary Scrutiny Officer
Status (public or exempt)	Public
Wards affected	Not applicable to this report
Enclosures	1.Outcome of research of other local authorities 2. Sub – Committee Schedule
For decision by	Committee
Function of	Council
Reason for urgency / exemption from call-in (if appropriate)	To enable the Sub – Committees to operate in their new form as quickly as possible.

Contact for further information: Janet Rawlings, Telephone 020 8359 2156

1. RECOMMENDATIONS

- 1.1 The Committee's instructions are requested on whether it wishes to hold Sub – Committees on set days and, if so, whether**
 - (a) the Sub- Committees should be programmed for all day or part days;**
 - (b) in the case of whole days, whether one Sub – Committee should be held each week, or every other week, and the times of the meetings;**
 - (c) in the case of part days, whether it has any preferences for mornings or afternoons (excluding Friday afternoons) and frequency of meetings.****(The Committee are referred to paragraph 9.2 in particular)**
- 1.2 The Committee are asked to consider appointing the Sub – Committees.**
- 1.3 That, subject to the Committee's decisions on in 1.1 and 1.2 above, the Democratic Services Manager be instructed to ascertain individual members' least preferred days for meetings, and compile a calendar of Sub – Committees based on that information.**
- 1.4 That the Chairman of the Committee be authorised to agree the Calendar, based on the information obtained in 1.3 above**
- 1.5 That where urgent Sub – Committees are required to be convened, the Democratic Services Manager convene the meetings based on Member availability**
- 1.6 That the arrangements be reviewed after one year, in accordance with the Committee's previous instructions.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 The Committee on 12 December 2007 (Minute 6), in agreeing that the Licensing Committee should appoint annually six fixed membership Licensing Sub – Committees also instructed the Democratic Services Manager to carry out research on the benefits or otherwise in identifying a specific day each week throughout the year reserved for licensing hearings.**
- 2.2 The Licensing Committee, at the Joint Meeting of Committees on 13 May 2008, appointed the Panel of Chairmen, who are Councillors Kate Salinger, Wendy Prentice and Joanna Tambourides. However the Committee decided to defer consideration of the appointment of members to the Sub – Committees to enable the matter to be considered at this meeting, in conjunction with the Committee's consideration of the operational arrangements for the Sub – Committees.**

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 As set out in the Licensing and Gambling Policies**
- 3.2 These arrangements contributing to good governance in furtherance of the principles of "More Choice, Better Value" aspects of the Corporate Plan.**

4. RISK MANAGEMENT ISSUES

- 4.1 The consequence of a failure to determine applications by the due deadline is that the Council will incur staffing and possibly financial costs in attending the Magistrates' Court. Additionally, the Council could suffer reputation damage.**

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 Friday afternoons for Sub – Committees are and will continue to be avoided as some Members, applicants and objectors cannot attend for religious observance reasons. = Additionally, Licensing Sub - Committees will not be held on the main Jewish holy days, Diwali, and the festivals of Eid, in accordance with the Council’s previous decisions, generally, on the arrangement of Committee and Council meetings.

6. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

- 6.1 The costs of refreshments are negligible.

7. LEGAL ISSUES

- 7.1 No additional issues other than those set out in the report.

8. CONSTITUTIONAL POWERS

- 8.1 The Licensing Sub – Committees are responsible for matters falling within the Licensing Act 2003 and Gambling Act 2005, as delegated to them by the Licensing Committee.

9 BACKGROUND INFORMATION

9.1 Current arrangements

Barnet’s Licensing Sub – Committees consist of three Members including the Chairman selected from the Panel of Chairmen and three Members is the minimum number of members that can hear an application where there are objections (quorum).

The Sub – Committees are compiled, by the Democratic Services Manager, based on Member availability, and are set well in advance to facilitate planning. The Sub - Committees are usually arranged either in the mornings or the afternoons, and generally each session will hear two applications.

When applications are received, they are allocated a provisional date in the event of objections. This means that some Committees are cancelled and in other cases it may mean that Sub – Committees meet within days of each other.

There are printing costs associated with each Agenda and each Sub – Committee is supported by Licensing, Legal and Democratic Services officers.

9.2 Change

On 12 December 2007, the Licensing Committee agreed that, in the interests of good governance, it was more appropriate for the Committee, rather than an officer, to appoint the Sub – Committees, and this decision is being actioned for the first time at this meeting.

However, the Committee now needs to consider the operation of these arrangements.

If the Committee decide to hold Sub – Committees on set days each week, it is considered that:

- (i) one Sub – Committee only per week or every other week should be held. ,
- (ii) the Sub – Committee should commence in the morning, for example, at 10am and continue all day, concluding business, for example, at 4pm, with an hour for lunch.

The benefit is that, apart from Chairmen, Members generally would need only to set aside one day once every six to twelve weeks (unless they acted as a substitute for another Member), depending on the frequency of meetings agreed by the Committee.

Now and again there may be a need for emergency Sub – Committees to be called to consider urgent matters, for example, Temporary Event Notices. In these cases, it is suggested that all Members are contacted for availability, as currently.

As the Committee are aware, the current practice generally is to hold hearings in the morning and afternoon. The Committee are asked to consider whether they wish this practice to continue or whether they wish to vary it, in the manner set out in paragraph 9.4 below.

9.3 Other local authorities

To assist the Committee, the Chairman asked officers to carry out some research on the Sub – Committee arrangements operated by other local authorities. The outcome of the research is attached as Enclosure 1

9.4 Suggested Way Forward

If the Committee agree to adopt one of the options set out in 9.2(i) above, the Committee is asked to indicate if it will also agree to a whole day being set aside for hearings, or whether it wishes to continue with either morning or afternoon=sessions. And the frequency at which meetings should be convened, for example, weekly, twice weekly.

As now, Friday afternoons will be avoided.

It is further proposed that the Democratic Services Manager contacts Members with a view to determining least preferred days for meetings so that a calendar can be compiled based on this information. To avoid undue delay, the Committee are asked to consider authorising the Chairman of the Licensing Committee to agree the Calendar.

The Committee are also asked to consider the appointment of Sub – Committees, in the manner indicated on Enclosure 2.

As previously instructed by the Committee, the arrangements will be reviewed after one year.

10. LIST OF BACKGROUND PAPERS

10.1 None

Legal: SL
CFO: CM

Methodology

The London Borough of Barnet commissioned research during 2007/2008 to ascertain how other authorities administer their Licensing function in terms of forward planning, agenda preparation and most importantly Member availability and attendance.

The survey was conducted by phone and email, with officers providing support to the respective Local Authorities Licensing Committee discussing their experiences of supporting the Licensing function. The local authorities polled were:

1. London Borough of Barking & Dagenham
2. London Borough of Bexley
3. London Borough of Enfield
4. London Borough of Hackney
5. London Borough of Hammersmith & Fulham
6. London Borough of Harrow
7. London Borough of Hounslow
8. London Borough of Kensington & Chelsea
9. London Borough of Lambeth
10. London Borough of Newham
11. London Borough of Redbridge
12. London Borough of Tower Hamlets
13. London Borough of Waltham Forest
14. London Borough of Westminster
15. Milton Keynes Council
16. Oxford City Council

Officers within each Local Authority were asked:

1. What are your arrangements for providing officer support to your authorities Licensing Committee?
2. How often does the Licensing Committee meet?
 - a. Daily;
 - b. Weekly;
 - c. Fortnightly;
 - d. Monthly;
 - e. Other.
3. How many cases are received in one session?
4. When are your meetings held?
5. Any other information you feel appropriate.

The results of the survey are noted on the pages that follow.

Licensing Sub-Committees – Review (February 2008)

<u>Local Authority</u>	<u>Response</u>
Barking & Dagenham	<p>Currently Barking & Dagenham do not have sub-committees, although they are looking to commit to this way of working some time in the future.</p> <p>At the moment the Board has scheduled fortnightly meetings (alternating between Tuesday's and Wednesday's) starting at 6pm at the Civic Centre. Typically there are two cases per meeting but if there are no applications then the meetings are cancelled.</p>
Bexley	<p>Committee dates are allocated on a fortnightly basis. There are two set days for Licensing Sub-Committees per month. The start times alternate so that on one fortnightly date the Sub-Committee begins at 10.30am, and on the other it begins at 7.00pm.</p> <p style="text-align: center;">For example, in January the Sub-Committee on Wednesday 16 January began at 10.30am. The Sub-Committee on Wednesday 30 January began at 7pm.</p> <p>There are several applications that are not heard on scheduled days (in January there were 5 extra dates). These are arranged for 10.30am because of Members preference for daytime hearings.</p> <p>Members consider just the one case per session, although on some occasions they may hear two if they are applications for licences. This is because they are not as long as reviews.</p> <p>There is no set membership for any Sub-Committee, as Member availability is luckily never a problem. The only problems faced is room availability at such short notice</p>
Enfield	<p>Meetings are scheduled once a week between 10am – 1pm (Forward Planning is not needed as meetings average at just fewer than 2 a month) with Members being allocated on availability.</p> <p>Members consider on average 2 or 3 applications per session</p>

<u>Local Authority</u>	<u>Response</u>
Hackney	<p>For 08/09 Hackney reported a success in scheduling their meetings based upon member availability.</p> <p>This is based on weekly meetings scheduled for the early afternoon and evening. In their meeting schedule Hackney also take meetings out of the calendar if they clash with significant dates for those of the Jewish or Muslim faith.</p>
Hammersmith & Fulham	<p>LBH&F operates an ad-hoc system, arranging meetings when hearings are required. The Sub Committee is drawn from a pool of members from the Licensing Committee.</p> <p>Generally, Sub-Committees hear 2 cases per meeting. Officers have reported that this approach works well for LBHF as the Chairman of the Licensing Committee is keen to sit on as many Sub-Committee hearings as possible, and hearings tend to be organised around his availability.</p> <p>Hearings normally commence in the morning, and the current average is 3 - 4 Sub-Committees per month.</p>
Harrow	<p>LBH has one licensing panel co-ordinator who also clerks the hearings. LBH's meeting scheduled does not include setting aside particular days, or an amount of set days per week, as hearings are held on more of an ad-hoc basis. If there are representations from the public hearings are held in the evening. If not, then during the day, usually in the morning.</p> <p>Licensing send the Licensing panel co-ordinator a list of submitted applications along with the consultation dates, and the earliest and latest hearing dates the committee could receive applications. LBH commented that the relationship is particularly good with the Licensing Department as communication is very fluid. The licensing panel co-ordinator is in regular discussions with the officers about how the progress of applications.</p> <p>If representations have been submitted then a hearing date is booked. If not, then LBH wait until the end of consultation before beginning to think about assembling a panel together or booking rooms. LBH state that it is quite difficult to give an accurate view of the number of hearings but because of the clear lines of communication and the experience of the officers the licensing panel co-ordinator can get a 'feel' for if a hearing will be required.</p>

<u>Local Authority</u>	<u>Response</u>										
Hounslow	<p>There are no set dates for Licensing sub-committees, as these are arranged as and when required. This is dependent on the amount of cases requesting a hearing from the licensing team. Typically there are about two or three sessions held each month, all of which take place at 7.00pm.</p> <p>The number of cases allocated for each session depends on how long they are each expected to last, with an aim to have each session lasting no longer than 2 – 2 ½ hours This timescale is based on the assumption and allows for two controversial cases or one controversial case and two short cases.</p> <p>There is no set membership of sub-committees; three members of the Licensing Committee are selected for each Licensing Panel dependant of availability.</p> <p>Attendance records are closely monitored to ensure that members of the Licensing Committee each attend a similar number of meetings throughout the year.</p>										
Kensington & Chelsea	The Governance Services Officer administers all meetings on an ad-hoc basis. The dates for the cases emerge from marrying together:-										
	<table border="1"> <tr> <td data-bbox="472 783 927 852">(i) Room Bookings</td> <td data-bbox="927 783 2190 852">Rooms are booked ahead for two days each week – this could be any day of the week.</td> </tr> <tr> <td data-bbox="472 852 927 900"></td> <td data-bbox="927 852 2190 900"></td> </tr> <tr> <td data-bbox="472 900 927 936">(ii) Councillor Availability</td> <td data-bbox="927 900 2190 936">Councillors are canvassed monthly for their availability.</td> </tr> <tr> <td data-bbox="472 936 927 1011"></td> <td data-bbox="927 936 2190 1011"></td> </tr> <tr> <td data-bbox="472 1011 927 1048">(iii) Cases Received</td> <td data-bbox="927 1011 2190 1048">There are tight regulations about when cases must be heard and the time table is amended accordingly.</td> </tr> </table>	(i) Room Bookings	Rooms are booked ahead for two days each week – this could be any day of the week.			(ii) Councillor Availability	Councillors are canvassed monthly for their availability.			(iii) Cases Received	There are tight regulations about when cases must be heard and the time table is amended accordingly.
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	<p>Cases are heard during the day with the first case of the day commencing at 10am. One to two cases are heard within this session and the Governance Services Officer estimates the amount of time permitted for each application received by the committee. If its more than one case lunch is provided and where it is a 'major case' with excessive public interest, this is scheduled as a sole item.</p> <p>The Corporate Governance Officer has reported that currently the number of Licensing cases has lessened but on occasions 4 or 5 cases have been received by the committee in one day.</p>										

<u>Local Authority</u>	<u>Response</u>
Lambeth	<p>There is no set membership, although the Licensing Sub-Committees are scheduled in advance. Meetings take place in the evening at 7.00 p.m. and the maximum number of hearings has been 3.</p> <p>They tend to meet every three weeks on a Tuesday and, although we had to schedule some extra meetings before Christmas, this works quite well in regards of hearing those applications that have had representations.</p> <p>Where there have been closure orders a Special meeting takes place and it is usually in the afternoon and only hears that case.</p>
Newham	<p>Each Sub-Committee consist of 3 members, from a core membership of 14 and there are no designated dates - meetings are arranged as and when required.</p> <p>Meetings normally commence at 10.00am, although some are scheduled for the evening (6.00pm) due to public interest.</p> <p>There have been 21 meetings arranged in the last 12 months and the Committee normally receive 2/3 cases per meeting.</p> <p>The officer responsible emails all members of the Committee when it is confirmed that hearings are needed. On occasion the Officer has to chase members for their availability.</p>
Redbridge	<p>Redbridge do not have designated days for licensing hearings - sub-committees meet as and when required, mostly in the day, occasionally evenings.</p> <p>Each Sub-committee generally only hears 1 application per session unless it's possible to schedule 2 short hearings for the same sub-committee.</p>

<u>Local Authority</u>	<u>Response</u>
Tower Hamlets	<p>LBTH's Licensing Sub-Committees take place in the evening and usually hear no more than 2 or 3 applications. Daytime meetings are not possible due to Members' work and other commitments Meetings are programmed into the calendar on a fortnightly basis but in practice some of these dates are cancelled.</p> <p>Overspill meetings are convened according to decision deadlines and member availability. On average there are between 1 and 2 meetings per week - on Wednesday or Thursday evenings.</p> <p>The membership for each hearing is determined by member availability and is any 3 Members from the pool of 15 Licensing Committee Members, subject to inclusion of one of the 5 designated 'Chairs'.</p> <p>In addition the deadlines applying to determination of applications make the forward planning of meetings difficult, particularly the delay of hearings. LBTH will wait until there is a full agenda for a longer meeting, hence the current pattern of more/shorter meetings.</p>
Waltham Forest	<p>In 2007 LBWF reported receiving on average of 1 application per month. To date a review hearing has not been held.</p> <p>With this in mind LBWF arrange hearings as and when they are needed, either in the daytime or evening.</p> <p>The officer with responsibility of the Licensing Function has stated that:</p> <p><i>“...there is no way of resourcing more than one case in a session as members are known to consider the facts of the application thoroughly...”</i></p> <p>Most cases received by the Committee can be in session between 2-3 hours, sometimes longer.</p>

<u>Local Authority</u>	<u>Response</u>
Westminster	<p>Westminster has 15 Members who sit on Licensing and Licensing Sub-Committees. The full Licensing Committee sits occasionally (2 or 3 times a year on average) to consider specific matters rather than the general applications.</p> <p>The Licensing Sub-Committee specifically look at the applications at least once a week (although over the Christmas break - January 2 applications were received during the week). On an average week Westminster receive 6 cases for member's consideration</p> <p>Having 5 out of 15 of the Members as Chairmen allows a certain degree of flexibility and there are 3 Members who sit at each Committee hearing including the Chairman although 2 is the quorate number required.</p> <p>Members are asked for dates in advance and a rota is created based on this information. Committees can have 3 Members from the Majority Party (Conservatives) although members of the Minority Party will also be considered - 3 out of the 15 Members on the Committee are from the Minority Party (Labour).</p> <p>The meetings are generally held on Thursdays - most weeks the meetings begin in the morning (9am meeting of the 3 Members, a legal advisor, policy advisor and Committee Clerk in the Members' Room known as the Callover, 9.30am official start in the Council Chamber)</p> <p>In the last week of each month the meetings are held in the evenings (5.30pm callover, 6pm official start). The applications considered at the meetings are those where a representation against the application is received (Police, the Council's Environmental Health or local business/resident representation etc.)</p> <p>Other applications (where representations are not received) are dealt with by Officers under Delegated Authority. There are no rules on the number of cases considered at a meeting and this makes it difficult to anticipate.</p>
Milton Keynes Council	<p>The 2003 legislation has led MKC to devise a series of sub-committees to receive and consider licensing applications.</p> <p>There is no work programme as such, but the Committees long list of work is dependent on the receipt of any given application.</p> <p>Work Programme items so far have included the analysis of policy framework documents. The Committee have reviewed Gambling Act 2007 as a statutory function with a view to revisit this every 6 months to review the effectiveness of the legislation in light of 24 hour licensing laws</p>

<u>Local Authority</u>	<u>Response</u>
Oxford	<p>Any combination of three members from the 15 who receive application via the Licensing Committee can also receive applications via the sub-committee. Members who are available on the day can be recruited</p> <p>There is no set membership for sub-committees. This enables the licensing committee to function with less bureaucracy/ bias as members who have an "interest" in a licensing application can be ruled out at an early stage of the process. .</p> <p>Meetings are fixed (within the meetings programme) every three weeks on a weekday morning. Any less frequent meetings mean that cases cannot be dealt with within the statutory timescale. Each meeting deals with 1-3 cases.</p>

5. Summary

- **Ad Hoc Meetings**

44% of Local Authorities surveyed reported convene meetings on an “as & when basis”. Throughout the investigation, a common theme and concern expressed by the Local Authorities taking part was the difficulty involved in forward planning, as well as the difficulty in being able to predict the amount of applications a Local Authority may receive on a daily, weekly or monthly basis.

The remaining 56% of Local Authorities did not comment on this area of the survey.

- **Daytime Meetings**

58% of Local Authorities hold meetings during the day. Of this 58%, 20% reported that the timing of the meetings may change from daytime to evening, particularly if there is public interest in an application.

- **Evening Meetings**

31% of Local Authorities surveyed reported held Licensing Meetings during the evening. The main reasons given for this preference were that most members had daytime commitments and evening meetings suited their schedule.

The remaining 11% of Local Authorities did not comment on this area of the survey.

- **Meetings Schedule**

56% of Local Authorities surveyed reported scheduling meetings on a weekly / fortnightly basis

6% of Local Authorities surveyed reported scheduling meetings on a 3 – 4 weekly basis

Again the assumption could be made that the more application received by a given authority the more Sub-Committee meetings need to be scheduled. Despite this there seems to be no overt correlation between the amount of applications received in relation to the scheduling of meetings. As one Local Authority stated;

“...it is quite difficult to give an accurate view of the number of hearings but because of the clear lines of communication and the experience of the officers the licensing panel co-ordinator can get a 'feel' for if a hearing will be required...”

The remaining 38% of Local Authorities did not comment on this area of the survey.

- **1-2 Applications heard at a Licensing Sub - Committee**

31% of Local Authorities surveyed reported the Licensing Sub – Committee receiving 1-2 applications per session. Due to the nature of licensing legislation the Local Authorities surveyed tailor the committee meeting to the amount of applications received by the Local Authority.

- **3+ Applications heard at a Licensing Sub - Committee**

12% of Local Authorities surveyed reported the Licensing Sub – Committee receiving 3 or more applications per session.

The remaining 57% of Local Authorities did not comment on this area of the survey.

- **Member Availability**

19% of Local Authorities surveyed reported that Member Availability being a problem when co-ordinating Sub Committee Meetings. Local Authorities states a range of ways of

Local Authorities have stated that this is a problem when scheduling and forward planning these meetings for the Municipal Year. The Local Authorities that had expressed a view on Member Availability discussed a range of strategies used to ensure Members tenure on the Committees was evenly dispersed as well as Committees not being overwhelmed by applications. These strategies emerged from;

“...Councillors are canvassed monthly for their availability...”

“...Members are asked for dates in advance and a rota is created based on this information...”

to

“...The number of cases allocated for each session depends on how long they are each expected to last, with an aim to have each session lasting no longer than 2 – 2 ½ hours This timescale is based on the assumption and allows for two controversial cases or one controversial case and two short cases...”

“...Attendance records are closely monitored to ensure that members of the Licensing Committee each attend a similar number of meetings throughout the year...”

To a varying degree planning meetings schedule around Members Availability seems to work

The remaining 81% of Local Authorities did not comment on this area of the survey.

Prepared by: Cheryl Powell (Temporary Overview and Scrutiny Officer)

Enclosure 2

Appointment of 6 Licensing Sub – Committees, each Chairman Chairing two sub-committee.

The remaining members are all substitutes

	Sub – Committee 1	Sub – Committee 2	Sub – Committee 3
1	Cllr Kate Salinger	Cllr Kate Salinger	Cllr Wendy Prentice
2			
3			

	Sub – Committee 4	Sub – Committee 5	Sub – Committee 6
1	Cllr Wendy Prentice	Cllr Joanna Tambourides	Cllr Joanna Tambourides
2			
3			