

Brighton & Hove City Council

LICENSING COMMITTEE (LICENSING ACT 2003 FUNCTIONS)

Agenda Item 7

Subject: Constitutional Matters –Licensing Committees

Date of meeting: 29 June 2023

Report of: Executive Director Governance, People & Resources

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Ward(s) affected: All

For general release

1. Purpose of the report and policy context

1.1 To provide information on the committee's terms of reference and related matters including the appointment of its Urgency Sub-Committee.

2. Recommendations

2.1 That the committee's terms of reference, as set out in Appendix A to this report, be noted;

2.2 That the Committee establish the Licensing Panel as a sub-committee (the membership of such Licensing Panel shall consist of three Members from the trained Members on the Licensing Committee, who will be able to sit on a panel and substitute for any designated Member of the Panel) to deal with licensing applications in accordance with the Terms of Reference are set out at Appendix A to this report.

2.3 That the Committee agree to disapply the proportionality rules so far as a Licensing Panel is concerned in accordance with the Local Government (Committees and Political Groups) Regulations 1990;

2.4 That the establishment of an Urgency Sub-Committee consisting of the Chair of the Committee and two other Members (nominated in accordance with the scheme for the allocation of seats for committees), to exercise its powers in relation to matters of urgency, on which it is necessary to make a decision before the next ordinary meeting of the Committee be approved.

3. Context and background information

3.1 Article 6 of the constitution, incorporates a schedule of all the Committees/Sub-committees established in the new constitution together with a summary of their respective functions.

Licensing Committee – Terms of Reference

- 3.2 A copy of the terms of reference for the committee is attached in Appendix A. These should be read in the context of the 'Introduction and General Delegations' included in the Scheme of Delegations to Committees and Sub-Committees at part 4 of the constitution.

Membership

- 3.3 The membership of the committee is set at 15 Members of the Council.
- 3.4 The arrangements for substitute Members to attend meetings of Committees/Sub-Committees, as set out in the Council Procedure Rules 18.14 to 18.24, apply to meetings of the Licensing Committee.

Programme Meetings

- 3.5 Ordinary meetings of the Licensing Committee are scheduled to take place on the following dates during 2023/24:

Thursday 29 June 2023
Thursday 12 October 2023
Thursday 15 February 2024

- 3.6 Meetings of the Committee will normally be held at Hove Town Hall and will start at 3.00 p.m.

Licensing Panel

- 3.7 All Members of the Licensing Committee will be trained and form a pool of councillors for the sub-committee and will be called on to form a licensing panel. However, any trained Member of the Licensing Committee will be able to sit on a panel and substitute for any designated Member of the Sub-Committee.

Urgency Sub-Committee

- 3.8 The Constitution states that 'each Committee of the Council except the Audit & Standards Committee may appoint an Urgency Sub-Committee to exercise its powers. The Membership of such Urgency Sub-Committee shall consist of the Chair of the Committee, and two other Members nominated by the Group Leader or Leaders as appropriate to meet the requirements for the allocation of seats between political groups. Under current allocations this would mean an urgency sub-committee will consist of two Members from the Administration and one Member from the Official Opposition on the Council.
- 3.9 Such Urgency Sub-Committees may exercise their powers in relation to matters of urgency on which it is necessary to make a decision before the

next ordinary meeting of the Committee. Every decision of each Urgency Sub-Committee shall be reported for information to the next ordinary meeting of the Committee as appropriate.'

4. Analysis and consideration of alternative options

- 4.1 The council's constitution provides for the appointment of the sub-committees and urgency sub-committees and it is for the Committee to determine this action and it could decide not to make such appointments. However, this would be contrary to the wishes of the council and is not therefore regarded as a viable alternative option.

5. Community engagement and consultation

- 5.1 All Members considered and approved the allocation of seats to Committees and Sub Committees and the Terms of Reference of new Committees on 25th May 2023.

6. Conclusion

- 6.1 The recommendations are being put forward in line with the requirements of the constitution.

7. Financial implications

- 7.1 There are no direct financial implications arising from the recommendations of this report.

Name of finance officer consulted: Ishemupenyu Chagonda Date consulted (20/06/23):

8. Legal implications

- 8.1 The establishment of the Licensing Panel as a sub-committee of the main committee is in line with S9 of the Licensing Act 2003 and the Council's constitution

Name of lawyer consulted: Rebecca Sidell Date consulted (19/06/23):

9. Equalities implications

- 9.1 There are no equalities implications arising from the report.

10. Sustainability implications

- 10.1 There are no sustainability implications arising from the report.

Supporting Documentation

1. Appendices

1. Licensing Committee Terms of Reference