

LICENSING COMMITTEE (LICENSING ACT 2003)

Agenda Item

Brighton & Hove City Council

Subject:	Arrangements for Licensing Panels		
Date of Meeting:	14 March 2013		
Report of:	Head of Legal & Democratic Services		
Contact Officer:	Name:	Ross Keatley	Tel: 29-1064
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report proposes changes to the current arrangements for the organisation and administration of Licensing Panels; with a view to creating a fairer and more efficient process that can be used in future years to better meet the demands of Licensing within the authority.
- 1.2 Information is given on the contextual background; the current process; suggestions for improvements and an outline of the new proposed arrangements.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes the current arrangements, and the problems these have caused in the administration of Licensing Panels.
- 2.2 That the Committee agrees to proceed with the new arrangements outlined in paragraph 3.8 for the 2013/14 municipal year with the appointment of Sub-Committee taking place at the first meeting of the Licensing Committee.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Licensing Panels act as the day to day decision makers for the hearing of Licensing applications referred to Committee and the Council has a statutory duty to determine Licensing Applications within fixed deadlines. Although the Panels are regulatory in nature the current political makeup of the wider Committee is 6 Green, 5 Conservative and 4 Labour & Co-Operative.
- 3.2 Whilst the Licensing Committee sets the policy and over-arching strategy for licensing in the authority the Licensing Panels are responsibility for the 'bread and butter' work of the Committee. The following tables illustrate the breakdown of work between the Licensing Committee and the Licensing Panels, and demonstrate that the vast majority of work is undertaken by the Licensing Panels.

Municipal Year 2011/12:

	Number of Committees/ Panels	Number of cancelled Committees/ Panels	Total Duration of Committees/ Panels	Numbers of reports/ applications considered
Licensing Committees	3	0	8.6 hrs	18
Licensing Panels	44	9	117.2 hrs	58

Municipal Year 2012/13 (to 31 Jan 2013):

	Number of Committees/ Panels	Number of cancelled Committees/ Panels	Total Duration of Committees/ Panels	Numbers of reports/ applications considered
Licensing Committees	2	0	2.7 hrs	9
Licensing Panels	22	14	54.3 hrs	45

- 3.3 In this context - and given the statutory nature of Licensing Panels – it is important to ensure the arrangements are able to cope with the demands of the work, and ensure the proper and fair management of the business across the Committee.

Current Process

- 3.4 The current administrative support for the arrangement of Licensing Panels is undertaken by Democratic Services in conjunction with Licensing Officers.
- 3.5 Licensing Panels are currently arranged on an ad hoc basis; the Democratic Services Team are notified by the Licensing Team of the need to call a Panel; and the deadline for the application to be heard by. A formal request to the full Licensing Committee membership is then sent by email giving the proposed time and date of the meeting. Members then reply by email to confirm if they are able to attend the Panel; and when three Members have been confirmed a second email is sent to the whole Committee confirming the attendees, the time and date of the meeting and to notify that no additional Members are required on the given date.

3.6 This current system presents a series of problems and issues for the arrangement of Licensing Panels:

- There are often difficulties with Members coming forward to agree to sit on Panels which can put pressure on the authority's statutory obligation to hear applications within set deadlines. This also impacts upon the amount of work required to set up Licensing Panels, and considerable time is often given over to contacting Members directly to confirm if they are available; this often takes the form of calling each Member of the Committee individually in turn, which can result in a number of repeat calls. Whilst no Panels have been cancelled due to unavailability of Members an increased amount of pressure is often placed on Members to sit on Panels, and this places additional stress and uncertainty around the process which is already constrained by statutory deadlines.
- The ad hoc nature of arranging Panels often creates Panels with heavy agendas; for example Temporary Events Notices (TENs) are often added to agendas at very short notice; this can create additional demand for Members. Furthermore the nature of Licensing within the authority presents a steady and constant stream of work to be managed.
- The ad hoc nature of arranging Panels often makes the formal agreement of the minutes more difficult as these are currently agreed by the Chair of the Panel in consultation with the relevant clerk to the Panel; in practise this often creates a backlog of minutes which are awaiting formal agreement with Members.
- There is a clear disparity between the numbers of Panels that Members agree to sit on; some taking on much larger numbers than others. The current process does not seem to promote fairness or an equal sharing of the 'bread and butter' work of the Licensing Committee across the whole membership.
- The current arrangements do not promote a culture of learning and ongoing improvement, such that as some Members do not routinely sit on Panels they are not able to gain additional practical experience, or learn from their more experienced colleagues on the Licensing Committee.

3.7 The table below sets out Members attendance at Licensing Panels.

Municipal Year 2011/12:

	Numbers of Panels attended	Numbers of agreed Panels (subsequently cancelled)	Total attended and agreed – 56 Total
Cllr. Deane (Chair)	25	3	28
Cllr. Simson	22	2	24
Cllr. Sykes (D. Chair)	19	-	19
Cllr. Hyde	16	1	17
Cllr. Marsh	11	3	14
Cllr. Gilbey	10	3	13
Cllr. Cobb	6	4	10
Cllr. Rufus	5	1	6
Cllr. West	5	-	5
Cllr. C Theobald	3	1	4
Cllr. Pidgeon	4	-	4
Cllr. Duncan	2	1	3
Cllr. Lepper	2	-	2
Cllr. A Kitcat	1	-	1
Cllr. Turton	1	-	1

Municipal Year 2012/13 (to 31 Jan 2013):

	Numbers of Panels attended	Numbers of agreed Panels (subsequently cancelled)	Total attended and agreed – 36 total
Cllr. Simson	13	7	20
Cllr. Duncan (Chair)	14	4	18
Cllr. Marsh	8	5	13
Cllr. Hawtree	7	5	12
Cllr. Deane (D. Chair)	7	4	11
Cllr. Buckley	4	2	6
Cllr. Hyde	4	-	4
Cllr. Gilbey	4	-	4
Cllr. Rufus	3	-	3
Cllr. Cobb	1	2	3
Cllr. Lepper	-	1	1
Cllr. C. Theobald	-	1	1
Cllr. Jones	1	-	1
Cllr. Pidgeon	-	1	1
Cllr. Hamilton (since Oct 2012)	0	-	0
Cllr. Turton (resigned Sep 2012)	0	-	0

Proposed Changes:

3.8 The following proposals are suggested to improve the arrangements for Licensing Panels:

- The creation of 5 fixed membership Panels (Panel A, Panel B, Panel C, Panel D & Panel E) consisting of 3 members. The formal appointment of the Panels would be made at the first meeting of the Licensing Committee (June 2013) following Annual Council (May 2013).
- An agreed schedule of meetings will drawn up with a Panel meeting once per week on rota basis e.g. Week 1 Panel A; Week 2 Panel B, Week 3 Panel C etc. Members will be consulted in advance as to their general availability across the year (i.e. preferred days of the week and times) and all efforts will be made to co-ordinate this as far as possible.
- Members will be notified in advance of the agreed dates of their respective Panel, and be able to see all the agreed dates for the municipal year. They will be able to indicate at this point if they are unable to attend agreed dates, and the Democratic Services Team can seek a substitute for the date.
- 3 substitute Members will be agreed for each Panel to provide in-built cover if Members are unable to attend their respective Panels. Key Members on the Committee (i.e. Chair/Deputy Chair) and other Members who wish will be offered to serve as substitutes on more than one Panel to continue to undertake additional Licensing Panel work by acting as a substitute.
- Panels will be 'stood down' where there is no business for the week in question, and this can be done with at least one week's notice. It is also envisaged that not all the programmed dates will be required due the rapidly changing nature of work within Licensing.
- Panels could still be called on an ad hoc basis to cover additional demand in Licensing Panel work; or to ensure the Council is able to comply with its statutory obligations to hear applications.

3.9 The following table sets out the proposed make up of Panels based on the current political makeup of the Licensing Committee, and provides a system which will equally share work across the whole Committee:

Panel A	Panel B	Panel C	Panel D	Panel E
Green Member 1	Green Member 2	Green Member 3	Green Member 4	Green Member 5
Conservative Member 1	Conservative Member 2	Conservative Member 3	Conservative Member 4	Conservative Member 4
Labour Member 1	Labour Member 2	Labour Member 3	Labour Member 4	Green Member 6
<i>Substitute Members x 3</i>	<i>Substitute Members x 3</i>	<i>Substitute Members x 3</i>	<i>Substitute Members x 3</i>	<i>Substitute Members x 3</i>

3.10 The problems stated at 3.6 are addressed through these proposals in the following ways:

- The problems in agreeing Membership of Panels will be overcome; as the Panels will be fixed in advance, and Members will be made aware of the dates their allocated Panel will meet. The inclusion of substitutes for Panels will also provide cover through a fallback position, and the arrangements for substitutes can be coordinated by the Democratic Services Team.
- The spread of work across the Licensing Panels can be better managed and organised as a Panel will meet on a weekly basis; this should help alleviate problems with large agendas, and prevent items such as TENs being added to agendas at very short notice. The proposed dates will also be shared with Officers in Licensing to enable them to better co-ordinate and spread workloads; it is envisaged this will help manage some of the busier periods.
- The minutes of the previous Panel meeting can be brought to the next meeting of that Panel for formal agreement i.e. Panel A agrees the minutes of the previous meeting of Panel A when it meets on a 5-weekly basis.
- The 'bread and butter' work of the Licensing Committee will be better shared across all Members without becoming burdensome or onerous i.e. each Member will be asked to sit on a Panel every 5 weeks (approximately 10 per year). These arrangements will also allow the Council to better meet and comply with its statutory duties in relation to the determination of Licensing Panels.
- This system promotes a practical and fair approach to Licensing Panel work asking the whole Committee to take joint responsibility for the sharing of work which comprises the majority of the business.
- This system will ensure all Members have equal access to sit on Licensing Panel, and will help Members gain practical experience of Licensing Panel work. It will also allow the Licensing Committee to build up a stronger and more experienced base of Members to undertake Licensing Panels.

3.11 In addition Members will be offered to act as substitutes to more than one Panel; this will ensure that those Members who are currently used to undertaking more Licensing Panel work can still continue to do this by acting as a substitute Member to other Panels.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1 None undertaken as the report relates to the internal arrangements for organising Licensing Panels.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 *There are no additional financial implications arising from the proposed arrangements. All costs will continue to be met from the Democratic Services revenue budgets.*

Finance Officer Consulted: Name: Jeff Coates Date: 28/02/13

Legal Implications:

- 5.2 Section 9 of the Licensing Act 2003 states that 'A licensing committee may establish one or more sub-committees consisting of 3 members of the committee.' The Hearings Regulations make detailed provision about the proceedings of such sub-committees but subject to these, each licensing committee may regulate its own procedure and that of its sub-committees.

Lawyer Consulted: Name: Rebecca Sidell Date: 06/02/13

Equalities Implications:

- 5.3 There are none.

Sustainability Implications:

- 5.4 There are none.

Crime & Disorder Implications:

- 5.5 There are none.

Risk and Opportunity Management Implications:

- 5.6 The report seeks to improve the arrangements for organising Licensing Panels and help ensure the authority is compliant with its deadlines to consider Licensing applications.

Public Health Implications:

- 5.7 There are none.

Corporate / Citywide Implications:

- 5.8 The proposals create a fairer and more transparent process for organising Licensing Panels.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The alternative proposal is to continue the arrangements, and consequent problems, listed at paragraphs 3.5 to 3.7.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 The advantages of the proposals are listed at paragraph 3.9.

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms

None

Background Documents

None