

 Council 14 May 2014		Agenda Item No. 8
Title	Merger of the Licensing and Regulatory Committees	
For further information about this report please contact	Marianne Rolfe, Regulatory Manager Health and Community Protection Tel: 01926 456320 Marianne.rolfe@warwickdc.gov.uk Graham Leach, Democratic Services Manager & Deputy Monitoring Officer, Tel: 01926 456320 graham.leach@warwickdc.gov.uk	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	An informal meeting of the licensing committee and regulatory committees on the 19 th February 2014 Unminuted.	
Background Papers		

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	Yes
Included within the Forward Plan? (If yes include reference number)	No
Equality and Sustainability Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	2/5/2014	Richard Hall
CMT	6/5/2014	
Section 151 Officer	2/5/2014	Mike Snow
Monitoring Officer		
Finance		
Portfolio Holder(s)	6/5/2014	Councillors Coker & Mobbs
Consultation & Community Engagement		
Councillor Illingworth agreed the report on 2 May 2014.		
Final Decision?	Yes	
Suggested next steps (if not final decision please set out below)		

1. SUMMARY

1.1 A proposal has been put forward by officers with the Chair of both the Licensing and Regulatory committees, to merge both committees into one. This report provides information as background to the recommendations to support the proposal.

2. RECOMMENDATION

2.1 That the responsibilities of the Licensing and Regulatory Committees are merged.

2.2 That the Committee be called 'Licensing and Regulatory Committee'.

2.3 That the committee be comprised of 15 councillors.

2.4 That the Members Allowances scheme special responsibilities be amended to remove the allowances for the Chairman of Regulatory Committee and Chairman of Licensing Committee.

2.5 That the Members Allowances scheme special responsibilities be amended to rename the allowance for Chairman of both the Licensing & Regulatory Committee to Chairman of the Regulatory & Licensing Committee

3. REASONS FOR THE RECOMMENDATION

3.1 There are two committees, Regulatory and Licensing. The committees have some overlapping functions and this has caused confusion in the past as to what matter should be brought before which committee. In addition, concerns have been raised as to the reasoning behind comparatively minor matters being brought in to a full committee whilst other more complex matters are brought in front of a panel.

3.2 There are currently 15 Councillors on the Licensing Committee and 10 on the Regulatory.

3.3 The current functions of the committee can be summarised into the following subject matters:

The Licensing Committee cover:	The Regulatory Committee cover:
<ul style="list-style-type: none">• Premises licences for premises wishing to sell alcohol, open after 11pm, provide entertainment (issue/ variation/ reviews)• Personal Licences (issue/review)• Applications under the gambling Act 2005	<ul style="list-style-type: none">• District Boundary Reviews• Community Governance Reviews• Street Trading Consents• Busking• Street Collection Permits• Sexual Entertainment Venues• Footpaths and bridleways• Promoting/opposing local or personal bills• Functions relating to the names/status of areas/individuals• All powers of the council relating to the control of the consumption of alcohol in public places under the Criminal Justice

	<p>and Police Act 2001</p> <ul style="list-style-type: none"> • Orders under the Criminal Justice and Police Act 2001 • Taxi Driver/Private Hire Company Complaints • Taxi Driver/ Private Hire Company Renewal issue • Application to be a taxi driver/ Private Hire Company • Suspended Taxi Drivers/ Private Hire Company
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- 3.4 On the 19th February 2014 the Licensing and Regulatory Committees met informally to discuss a proposal to merge the members of the two committees and supported this proposal.
- 3.5 The Licensing Act requires the Local Authority to establish a Licensing Committee. Therefore any name of a new committee should include 'Licensing' in the title. The councillors agreed that the new committee should be called the Licensing and Regulatory Committee.
- 3.6 All 20 Councillors cannot be retained on the merged committee as the Licensing Act requires a committee of between 10 and 15 people. The Councillors agreed that the committee should be reduced to 15 members.
- 3.7 The legislation governing the committee considering licensing conditions and related functions are not required to be politically balanced. However, committees dealing with other functions are required to be. Therefore, it would be advisable that the 'new' committee be politically balanced so that it could deal with all matters.
- 3.8 Recommendations 2.4 and 2.5 are minor changes to the Members Allowances Scheme and do not affect the level of allowance payment made to the Chairman. There is no need to review the value for the Chairman of the new Committee because the Independent remuneration Panel has previously anticipated the same Councillor being the Chairman of both the Regulatory & Licensing Committees and set an appropriate allowance.

4. **POLICY FRAMEWORK**

- 4.1 The merging of the committees will assist in the efficient working of the council and contribute to the vision of making a Warwick District a great place to live.

5. **BUDGETARY FRAMEWORK**

- 5.1 The report does not affect the Council's budgetary framework.
- 5.2 The report if approved would secure a recurring saving through reduced budget demand of the members allowances scheme.

6. **RISKS**

- 6.1 The main risk of the report is the potential for increased officer and councillor time in meetings. Therefore, the first meeting of the new Committee will consider a number of operational aspects of its responsibility to improve efficiency.

7. ALTERNATIVE OPTION(S) CONSIDERED

7.1 The alternative option is to remain as two separate committees .However this is not considered efficient because it causes confusion for the Council's customers.

8. BACKGROUND

- 8.1 If the committees are merged, the operating procedures will need to be discussed and agreed. The Licensing Committee can delegate its licensing functions to one or more subcommittees consisting of three members of the committee. These are called licensing panels. Currently, the Licensing Committee volunteer for Panels which consider the matters that are brought before them. They rarely sit as a full committee unless it is to agree minutes or discuss changes to a licensing policy or gambling policy.
- 8.2 Regulatory Committee sit as a full committee to consider all of the matters which are brought before them. It is possible under the legislation for the matters brought before this Committee to be heard by a subcommittee formed from members of the Committee. i.e. the construction of Regulatory panels
- 8.3 It is proposed that the two committees are brought into operational alignment, as far as is reasonably practicable under the current legislation, i.e. the use of panels.
- 8.4 Appendix 1 is a proposal of the matters which are currently brought before Regulatory Committee that could be considered by a subcommittee or panel.
- 8.5 Appendix 2 shows the current arrangements for delegation for the two committees and those options for alternative arrangements.
- 8.6 A review is being conducted by officers on the delegation to officers, content of the reports sent for consideration by the committee, that regular training of the members of the committee takes place to ensure familiarity with the requirements of the appropriate legislation and that there is clarification of the public speaking arrangements at the various committee activities. These will be reported to the first meeting of the new Committee which will also include a discussion on the availability of members for Licensing Panels and the challenges this brings.

Appendix 1: Proposed

Function	Current Committee	Frequency at committee since 05/11	Public/ Private Item	Proposed Full or Subcommittee
District Boundary Reviews	Regulatory	2	Public	Full Committee
Community governance reviews	Regulatory	9	Public	Full Committee
All powers and duties of the council relating to the consumption of alcohol in public places	Regulatory			Full Committee
Orders under the CJaPA 2001	Regulatory			Full Committee
Sexual Entertainment Venues	Regulatory	7	Public (deliberation in private)	Full Committee
Considering the minutes of licensing committee activities	Licensing	5		Full Committee
Reviews of premises licenses	Licensing (Panel)	1		Full Committee
Appointment of Councillors to Inquorate Parish/Town Council	Regulatory	1	Public	Full Committee
Recommending/ introducing polices	Regulatory & Licensing			Full Committee
Recommending change to the licensing policy	Licensing		Public	Full Committee
Recommending changes to the gambling policy	Licensing		Public	Full Committee
Taxi Driver complaints	Regulatory	5	Private	Subcommittee/ panel
Application to be a taxi driver	Regulatory	42	Private	Subcommittee/ panel
Taxi driver renewal issue	Regulatory	3	Private	Subcommittee/ panel
Suspended taxi drivers	Regulatory	2	Private	Subcommittee/ panel
Complaint about a private hire company	Regulatory	1	Private	Subcommittee/ panel
Private hire company renewal	Regulatory	1	Public (deliberation in private)	Subcommittee/ panel
Determining applications under the licensing act (premises)	Licensing (Panel)	57	Public (deliberation in private)	Subcommittee/ panel
Determining applications under the licensing act (personal)	Licensing (panel)	2	Public (deliberation in private)	Subcommittee/ panel
Street trading Consent	Regulatory	1	Public	Subcommittee/ panel
Street Collection permits	Regulatory	1	Public	Subcommittee/ panel
Promoting/ opposing local or personal bills	Regulatory			
Functions relating to the names/ status of areas/ individuals	Regulatory			
Foot paths and bridleways	Regulatory	1	Public	

Appendix 2: Current delegation arrangements:

Licensing Table: Delegation of Functions

Matters to be dealt with	Full committee	Sub committee	Officers
Application for personal licence (No convictions).			All cases
Application for personal licence with unspent convictions		If a police objection	All other cases (and where responsible authority withdraws objection)
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made (and where responsible authority withdraws objection)
Application for provisional statement		If a relevant representation made	If no relevant representation made (and where responsible authority withdraws objection)
Application to vary premises licence/ club premises certificate		If a relevant representation made	If no relevant representation made (and where responsible authority withdraws objection)
Application to vary designated premises supervisor		If a police objection	All other cases (and where responsible authority withdraws objection)
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases (and where responsible authority withdraws objection)
Applications for interim authorities		If a police objection	All other cases (and where responsible authority withdraws objection)
Application to review premises licence/ club premises certificate	<i>*All cases</i>	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.			In all cases in consultation with chairperson
Determination of an objection to a temporary event notice		If a police objection received and not a late TEN	If no objection received (and where responsible authority withdraws objection)
Determination of application to vary premises licence at community premises to include alternative licence condition		If a police objection	All other cases (and where responsible authority withdraws objection)
Decision whether to consult other responsible authorities on minor variation application			All cases
Determination of minor variation application			All cases
Expedient Review of premises/Personal license		All cases (<i>Emergency activity</i>)	
Changes to licensing policy	All cases		
Changes to gambling policy	All cases		
Issue track betting permits (occasional use)			All cases
Issue amusement permits with prizes under the gambling act			All cases
Issue small lotteries licence			All cases
Issue club/ gaming machine permits		If objection received	Where no objections received
Determine applications/Approve gambling act licenses		If representation received	No representations
Vary gambling act licenses		If representation received	No representations
Transfer gambling act licenses		If representation received	No representations
Cancel gambling act licenses/permits			All cases

**Proposed arrangement if committee merges to be considered by the new Committee*

Regulatory Table: Delegation of Functions

Matters to be dealt with	Full committee	Sub committee	Officers
Issue Street Trading Consents	If objection received	<i>*If objection received</i>	No objection received
Issue Street Collection Permits			All cases
Issue Street Collection Permits in excess of set numbers			In consultation with the regulatory committee spokesperson.
Sexual Entertainment Venues	All other cases	<i>*All other cases</i>	Where no objections received
All powers of the council relating to the control of the consumption of alcohol in public places under the Criminal Justice and Police Act 2001	All Cases to confirm decision.		Dispersal in consultation with CE and Ward Cllr (people)
Orders under the Criminal Justice and Police Act 2001	All cases		
Issue Closure Notices under section 19 of CIPA 2001			All cases & Police
Taxi Driver Complaints	Serious/repeat offender cases	<i>*Serious/repeat offender cases</i>	Depending on seriousness/ quantity
Private Hire Company Complaints	Serious/repeat offender cases	<i>*Serious/repeat offender cases</i>	Depending on seriousness/ quantity
Taxi Driver Renewal issue	Unacceptable matters highlighted	<i>*Unacceptable matters highlighted</i>	No issues
Private Hire Company Renewal issue	Unacceptable matters highlighted	<i>*Unacceptable matters highlighted</i>	No issues
Application to be a taxi driver	Unacceptable matters highlighted	<i>*Unacceptable matters highlighted</i>	No issues
Application to be Private Hire Company	Unacceptable matters highlighted	<i>*Unacceptable matters highlighted</i>	No issues
Suspended/Revoke Private Hire Company	Non-emergency cases (through complaints)	<i>*Non-emergency cases (through complaints)</i>	In consultation with legal & Chair emergency cases
Suspended/Revoke Taxi Drivers	Non-emergency cases (through complaints)	<i>*Non-emergency cases (through complaints)</i>	In consultation with legal& Chair emergency cases
Approve use of vehicle as taxi (wheelchair accessible)			All cases in consultation with Council for the Disabled.
Refuse application of drivers not passing the knowledge test			All cases
Refuse application for taxi and private hire driver licenses not attended disability awareness training			All cases
Notices under section 68 of the local gove misc pro act 1976			All cases
Policy changes to disability policy for vehicles	All cases where fundamental change		
Taxi Licensing Policy	All cases		
Busking code of conduct			All cases
Review of the busking code of conduct	All cases		
Consultation on taxi fees in order to make recommendation to Executive.	All Cases <i>Recommend that this is removed</i>		

**Proposed arrangement if committee merges to be considered by the new Committee.*