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| To: | General Purposes Licensing Committee |
| Date: | 16 May 2017 |
| Report of: | Acting Head of Law and Governance |
| Title of Report: | Appointment of General Purpose Licensing Sub-Committees |

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| Summary and recommendations | | |
| Purpose of report: | | To establish 4 sub-committees for the 2017-18 Council Year to deal with the casework flowing from the Committee’s own responsibilities. |
| Corporate Priority | | none |
| Policy Framework | | none |
| Recommendations: That the General Purposes Licensing Committee resolves to: | | |
| 1. | Agree that the casework hearings for taxi, private hire or other driver or vehicle licences, street trading licences and sex establishment licences should be determined by the same sub-committees as set out in the Powers and Duties of GPL Sub-Committees at Appendix 1. | |
| 2. | Establish 4 politically-balanced sub-committees of 3 members each to undertake the casework of the General Purposes Licensing Committee as set out in Appendix 1:   * Sub- Committee A: GPL Chair, Labour Cllr A, Lib Dem Cllr A * Sub- Committee B: GPL Vice Chair, Labour Cllr B, Lib Dem Cllr B * Sub- Committee C: GFL Chair, Labour Cllr C, Lib Dem Cllr A * Sub- Committee D: GPL Vice Chair, Labour Cllr D, Lib Dem Cllr B | |
| 3. | Agree that substitution is permitted on each of the 4 sub-committees but that substitutes must be from the General Purposes Licensing Committee and must maintain political proportionality; | |
| 4. | Agree the meeting dates and time listed in Appendix 1. | |

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| Appendices | |
| Appendix 1 | Powers and Duties of GPL Sub-Committees |

# Introduction and background

1. Historically the General Purposes Licensing Committee (GPL) established two sub-committees to deal with casework:

* **Hackney Carriages and Private Hire Licensing Sub-Committee (HCPH)**

The powers and duties of a Hackney Carriages and Private Hire Licensing Sub-Committee are set out in Appendix 1 to this report. The Sub-Committee of 3 members met on 7 occasions in 2016/17.

* **Licensing and Registration Sub-Committee (LR)**

The powers and duties of a Licensing and Registration Sub-Committee are set out in Appendix 1 to this report. The Sub-Committee of 4 members met on 2 occasions in 2016/17.

The two sub-committees follow a similar procedure for the conduct of hearings, although the HCPH hearings are held in private and those of the Licensing and Registration Sub-Committee are normally held in public.

Any member of the General Purposes Licensing Committee may act as substitute on either of the sub-committees.

The Local Government Housing Act 1989 requires all council sub-committees to be politically balanced. With the current political balance of the GPL Committee, all 3 member sub-committees must consist of 2 Labour seats and a Liberal Democrat. As the Green party only have one seat on the GPL they are not automatically entitled to a seat on a 3 member sub-committee. However it would be possible for the Green member to have a seat on a sub-committee with a unanimous resolution from the GPL committee.

**Issues with the current structure**

**Lack of engagement of majority of committee**

1. The current structure appoints fixed membership (of 3 or 4 members) to the sub-committees for the year. This enables those members on the sub-committees to gain knowledge and skills of the casework but means there is very little opportunity for the rest of the GPL members to be involved in discharging casework. This is exacerbated if the membership of the sub-committees is not changed annually. In the past few years only 3 or 4 members have been involved in sub-committee work. Consequently the majority of members only attend the GPL meetings 4 times a year and have limited practical knowledge of casework to draw on when required to make policy decisions.

**Concentration of expertise**

Limiting the membership of the sub-committees to just 3 or 4 councillors means that they have become very experienced and knowledgeable and are able to provide consistency in decision making. However, this concentration of expertise makes the licensing authority vulnerable. It is important that the licensing authority develops a larger number of members with the knowledge, experience and confidence to discharge the casework function. This will safeguard against any unplanned change in membership and will enable a continuity of service and decision making.

# Training and skill building

1. If more members were to be involved in the casework it would make for more meaningful and relevant mandatory training. As more members being actively involved in deciding casework will lead to more robust discussions during the training sessions whether they are delivered on an interactive / casework scenario basis or the more traditional classroom style.
2. Establishing a group of sub-committees with a stable membership should also facilitate the informal sharing of experience between the councillors and may also result in some informal mentoring between the more experienced and junior members.

# Proposed Combined Terms of Reference

The HCPH and LR sub-committees follow a similar hearing procedure and so combining their terms of reference would allow all casework to be considered by the same sub-committee at the same meeting. Any street trading casework could be done in the public part of the agenda followed by HCPH cases in the private session. In 2016/17 the LR sub-committee met only twice so merging the two sub-committees would not add a significant burden to the work of the HCPH but would reduce the work associated with the unnecessary administration of a separate sub-committee. See appendix 1 for proposed combined Powers and Duties of GPL Sub-Committees.

# Options for the Sub-Committee structure

There are a number of options for the structure of the combined sub-committee. But in all of these the objective should be to broaden membership and address skills and experience deficit. In all options the LGA requirement that the sub-committee needs to be politically balanced can be met. Current composition of the Council means that the sub-committee of 3 should comprise 2 x Labour and 1 x Lib-Dem.

**Option 1 – 1 x combined sub-committee**

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| Table 1: Political balance (3 out of 10 GPL members able to participate but does not meet broader skills test) | | | |
| Sub Committee | Chair | Membership |  |
| A | GPL Chair | GPL V Chair  Lib Dem A | All meetings |

# Option 2 - 2 x combined sub-committee

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| Table 2: Political balance (6 out of 10 GPL members able to participate; expands broader skills test by 3) | | | |
| Sub Committee | Chair | Membership | Dates |
| A | GPL Chair | Labour A  Lib Dem A | 30 May 2017  7 Aug 2017  30 Oct 2017  22 Jan 2018  16 April 2018 |
| B | GPL V Chair | Labour B  Lib Dem B | 26 June 2017  18 Sept 2017  11 Dec 2017  5 Mar 2018 |

# Option 3 - Recommended / Preferred – 4 x combined sub-committee

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| Table 3: Political balance (8 out of 10 GPL members able to participate – meets broader skills test) | | | |
| Sub Committee | Chair | Membership | Dates |
| A | GPL Chair | Labour A  Lib Dem A | 30 May 2017 |
| 30 Oct 2017 |
| 16 April 2018 |
| B | GPL V Chair | Labour B  Lib Dem B | 26 June 2017 |
| 11 Dec 2017 |
| C | GPL Chair | Labour C  Lib Dem A | 7 Aug 2017 |
| 22 Jan 2018 |
| D | GPL V Chair | Labour D  Lib Dem B | 18 Sept 2017 |
| 5 Mar 2018 |

1. To maximise the number of members involved in discharging the casework it is proposed that we create four sub-committees operating under the same terms of reference. These sub-committees would have different membership and would rotate to spread the workload through the year.

If the 2016/17 Chair and Vice Chair are re-appointed to GPL, it is recommended that they would each sit on 2 of the 4 sub-committees as Chair to provide experience and continuity. Both Chair and Vice Chair currently sit on the HCPH sub-committee and are both very experienced in discharging casework. As other members gain in experience and confidence it might be possible to relax this principle. It should not be a requirement for the Chair or Vice Chair to attend every sub-committee meeting and substitution from the GPL will be allowed.

**Other issues**

1. Allocating meeting dates for each sub-committee means that members can diarise their meetings. If a meeting is cancelled it would mean that the particular sub-committee would not meet and the next meeting would be as scheduled.

Dates have been set for meetings of the Sub-Committees and are set out in Appendix 1. The scheduled start time is 5.30pm.

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