

ABERDEEN CITY COUNCIL

COMMITTEE: Licensing

DATE : 6 June 2012

DIRECTOR: Stewart Carruth

TITLE OF REPORT: Formation of Sub-Committees, Panels and Consultation Groups

REPORT NUMBER: CG/12/058

1. PURPOSE OF REPORT

The purpose of this report is to assist the members of the Committee in the formation of its sub-committees, panels and consultation groups.

2. RECOMMENDATIONS

1. That the Committee:-

- a) establishes a Licensing Evidential Hearing Sub-committee consisting of 7 elected members with the following composition (2 Labour, 2 SNP, 1 Lib Dem, 1 Conservative and 1 Independent Alliance) to meet as necessary;
- b) establishes an Informal Business Panel consisting of 7 elected members with the following composition (2 Labour, 2 SNP, 1 Lib Dem, 1 Conservative and 1 Independent Alliance);
- c) establishes a Sports Ground Advisory Group consisting of 5 elected members with the following composition (1 Labour, 1 SNP, 1 Lib Dem, 1 Conservative and 1 Independent Alliance);
- d) establishes a Taxi Consultation Group consisting of 5 elected members with the following composition (1 Labour, 1 SNP, 1 Lib Dem, 1 Conservative and 1 Independent Alliance)

that the Convener be included within the total membership of each and that names be provided to the Head of Legal and Democratic Services as soon as possible;

2. appoints a chairperson for each of the groups, except the Informal Business Panel which does not require one.

3. agrees the remit of the Informal Business Panel as follows:-
“To consider any matters placed before it by the Head of Legal & Democratic Services relating to any matters on which the Licensing Committee can make decisions and to either grant or refuse applications where it deems appropriate”.
4. undertakes a review of the remit, governance and membership of the Taxi Consultation Group and instructs the Head of Legal and Democratic Services to provide a report on the results of the review at the next appropriate meeting of the Committee for its consideration.

3. FINANCIAL IMPLICATIONS

None

4. OTHER IMPLICATIONS

Use of these groups may allow Committee business to be dealt with more expeditiously.

5. BACKGROUND/MAIN ISSUES

Reference is made to article 6 of the minute of meeting of the Council dated 16 May 2012 a copy of which is attached (appendix 1). The recommendations made in this report are based on the terms of the minute. Also attached (appendix 2) is the Orders of Reference for the Licensing Committee agreed at Council.

a) Information of Sub-Committees, Panels and Working Groups.

It is up to each Committee to decide how it wishes to organise the conduct of its business. Experience has shown that the formation of sub-committees can be of assistance. Working and Consultation Groups have also been of assistance to allow more informal discussions on various topics.

The work of the Licensing Committee has increased over recent years due to the introduction of new types of licences, an increase in the number of applications, objections or observations and the willingness of applicants and others to mount legal challenges. Licensing Committee meetings therefore have often taken significantly longer to complete. Increasing demands being placed on elected members is also recognised. Against this background, the proposals in this report are designed to streamline procedures and reduce the length of meetings. It is not intended that the role of members on the Committee in making policy or reaching decisions on contentious applications would be compromised in any way.

b) Memberships of Sub-Committees, Panels and Working Groups

The number of members recommended as being appropriate for each Sub-Committee or Group takes into account the role of the relevant body, including its quasi judicial nature. The Committee may decide to decrease or increase the recommended numbers.

c) Recommended Sub-Committees, Panels and Working Groups and their Remits

- (i) Evidential Hearing Sub-Committee (7 members). This Sub-Committee may hear any application for grant, renewal or suspension of any licence remitted to it by the Licensing Committee where evidence is to be heard and make decisions on such matters.
- (ii) Informal Business Panel (7 members). Most licensing applications are dealt with by officers using delegated powers. All contentious applications or requests are referred to Committee, but there are some which are of a relatively minor character which officers could place before a small number of members for determination. The Informal Business Panel was formed as a Sub-Committee to deal with such applications.

Its business is dealt with as follows: a short summary of the application or request is prepared containing recommendations and placed in the Members' Lounge. The members of the panel can then indicate their decision by signing under one of the options. As many requests cannot be refused without a hearing, its current powers are either to grant or to refer to full Committee.

This is a particularly useful process especially if time is pressing or during the vacation. It is however limited as the panel does not possess the power of refusal.

The procedure has been examined to see if the powers of the panel could be extended to allow it to refuse an application. There are two main circumstances where this could be achieved:

- (a) There is no obligation incumbent on the Committee to give an applicant the right to be heard in respect of an application for the grant or renewal of a licence under the 1982 Act. The same is true of an objector or a person making a representation. The Committee may permit such persons to be heard but it is not compulsory. If no hearing is to be

afforded to the applicant they must be given the opportunity to provide their views in writing within a period of not less than 7 days. Whilst it is suggested it is best practice for the Committee to continue to hold hearings for contentious applications, it is also suggested, where necessary, that the Informal Business Panel's powers are extended to allow it to refuse an application where it deems appropriate.

- (b) A similar situation arises from the 2006 Act in relation to applications for HMO licences. The Committee has a discretion as to whether or not it holds a hearing and can consider written submissions in the same way as under the 1982 Act as described above. It is also recommended the powers to refuse are extended to the Panel for these applications where it is deemed appropriate.

In order to allow as much flexibility as possible in its decision making it is recommended that the Committee agrees to extend the powers of the Informal Business Panel to allow it to refuse not only the specific types of applications mentioned above but also any relevant application or request provided it has the power to do so and is not restricted in determining the matter only by way of a hearing.

- (iii) Sports Ground Advisory Group (5 members) this group meets very occasionally to consider matters relating to the safety of Pittodrie Football Stadium but undertakes business without any powers. The majority of the work is carried out by a sub group (Sports Ground Advisory Working Group) which consists of Officers. That sub group meets regularly and its minutes are noted by the Licensing Committee. It is recommended that the group continue in its current form.
- (iv) Taxi Consultation Group (5 Elected Members) reference is made to the minute of meeting of the Licensing Committee of 14 September 2011 wherein the Committee approved the remit of the group as follows "A working group of the Licensing Committee to be known as the Taxi Consultation Group will be formed. It will consist of maximum number of five elected members and eight representatives of the taxi trade of whom one will represent the airport operators and two will represent licensed taxi booking offices. The Disability Advisory Group will also have one representative as a member of the group.

Additional attendees will include the Taxi Inspector, the Fleet Services Manager and a solicitor representing the licensing function. Other relevant representatives will be invited to attend meetings on an ad - hoc basis.

Taxi trade members must represent a specific and recognised interest group. It will be understood that the representatives will report to their members after meetings.

The Group will meet three times yearly. The Group will act without any powers but will discuss matters of relevance to the taxi trade at the discretion of the Convener and make recommendations to the Licensing Committee as appropriate. Matters of relevance include all matters relevant to the taxi trade in Aberdeen that are within the remit of the Licensing Committee”.

It was also agreed that the dates for these meetings would be agreed by the Convener. The Committee approved the revised recommendations and also resolved that a review of the remit, governance and membership of the taxi consultation group be undertaken following the Scottish Local Government Elections in May 2012. It is therefore recommended that a review of the TCG is undertaken in accordance with the Committees resolution and that a report be provided to the Committee at the next appropriate meeting for its consideration.

6. IMPACT

None

7. BACKGROUND PAPERS

None

8. REPORT AUTHOR DETAILS

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COUNCIL

16 MAY 2012

APPOINTMENT OF MEMBERS TO SPECIFIC SUB-COMMITTEES, GROUPS, COUNCIL SUPPORTED TRUSTS AND BOARDS - CG/12/056

6. The Council had before it a report by the Director of Corporate Governance which sought to assist elected members in making appointments to (a) certain sub-committees, working groups and task groups; (b) Council supported trusts; and (c) other organisations which required elected members to be appointed to them.

The report recommended:-

that the Council -

- (a) consider appointing members to the sub-committees, working groups and other groups shaded grey and in bold text within Appendix 1 to the report, by virtue of them requiring to be appointed by Council, or that they have meetings scheduled prior to the next meeting of the relevant committee;
- (b) refer the remaining sub-committees, working groups and other groups within Appendix 1 to the first meeting of the relevant committee as detailed in the far right hand column;
- (c) consider appointing members to the trusts listed in Appendix 2 to the report, noting the meeting dates detailed; and
- (d) consider appointing members to the boards listed in Appendix 3 to the report, noting the meeting dates detailed.

The Council resolved:-

- (i) to appoint members to the sub-committees, working groups and other groups shaded grey and in bold text within Appendix 1;
- (ii) to refer the remaining sub-committees, working groups and other groups to the first meeting of the relevant committee as detailed in the far right hand column; and
- (iii) to defer consideration of the appointment of members to the trusts and boards appended to the report for discussion between Group Leaders.

(Please note - for the purpose of this minute extract, only the sub-committees and groups relevant to the Licensing Committee have been included in the following Appendix)

**APPOINTMENT OF REPRESENTATIVES
TO SPECIFIC SUB-COMMITTEES AND GROUPS**

Group	Council Representatives Required	Additional Information	Relevant Committee
Evidential Hearings Sub-Committee	7		Licensing
Informal Business Panel	7		Licensing
Sports Ground Advisory Committee	5		Licensing
Taxi Consultation Group	5		Licensing

**ABERDEEN CITY COUNCIL
LICENSING COMMITTEE
ORDERS OF REFERENCE**

1. The functions of the Council in relation to all licensing matters under the Civic Government (Scotland) Act 1982 and all other Acts (not falling specifically within the remit of any other Committee) covering personal or other licences, certificates and permits (excluding all matters dealt with by the Licensing Board).
2. The consideration of applications for the grant, renewal or suspension of Licences for Houses of Multiple Occupation that require a hearing. (The responsibility for all other matters relating to the licensing of Houses of Multiple Occupation resting with the Housing and Environment Committee).
3. All other matters relating thereto, including fixing of application fees, taxi fares and taxi stances.
4. The functions of the Council under the Safety of Sports Ground Act 1975.