

REPORT OF:	HEAD OF CORPORATE DEVELOPMENT
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TO:	LICENSING COMMITTEE
DATE:	1 DECEMBER 2005

AGENDA ITEM NO:	5	WARD(S) AFFECTED:	ALL
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SUBJECT:	LICENSING SUB-COMMITTEE – CONFIRMATION OF MINUTES
PURPOSE OF THE REPORT:	TO CONSIDER REQUESTING AN AMENDMENT TO THE COUNCIL'S CONSTITUTION TO FACILITATE THE SPEEDIER CONFIRMATION OF MINUTES OF MEETINGS OF THE LICENSING SUB-COMMITTEE
RECOMMENDATIONS:	
<p>1. To request the Executive to recommend to Council the following amendment to the Committee and Sub-Committee Procedure Rules contained in the Council's Constitution:-</p> <p>Delete paragraph 16.2 and substitute:- "16.2 The Minutes of Licensing Sub-Committee shall be submitted to either the next meeting of the Licensing Sub-Committee or to the next meeting of the Licensing Committee (whichever is the sooner) for confirmation and signature by the Chairman, provided at least one Member of the Sub-Committee whose Minutes are being considered for approval is present."</p>	

Background

- Under the current provisions of the Council's Constitution, all three Members of Licensing Sub-Committee must be present at a meeting of the Licensing Committee or Licensing Sub-Committee to enable the Minutes of the Sub-Committee to be signed as a correct record. This arrangement has proved impractical and has resulted in considerable delays in confirming the Minutes of certain meetings of the Licensing Sub-Committee.
- Officers have considered the possibility of employing other methods to facilitate the confirmation of Sub-Committee Minutes, but legal advice confirms that the requirements of the Local Government Act 1972 apply to meetings of the Licensing Committee and Licensing Sub-Committee and have not been superseded by the Licensing Act 2003. Consequently, it is not possible to merely circulate the Minutes to the three Members of the Sub-Committee for confirmation. The Minutes have to be confirmed by a suitable meeting of the local authority, i.e. the next following meeting or another meeting of the local authority to be regarded as suitable. The wording of the Constitution therefore is less flexible than that of the legislation as the Committee and Sub-Committee Procedure Rules specifically provide that all three Sub-Committee Members must be present at the meeting at which the Minutes are confirmed.

Factors for Consideration

3. The legal advice received indicates that Minutes have to be confirmed at the next suitable meeting of the Licensing Sub-Committee or Licensing Committee. Consequently, it seems that the only option available is to consider amending the Committee and Sub-Committee Procedure Rules contained in the Council's Constitution.

Proposal

4. It is therefore suggested that draft Minutes should be circulated to the three Sub-Committee Members concerned for comment and, provided no query or objection is received, then the Minutes may be submitted for confirmation to the next meeting of the Licensing Sub-Committee or Licensing Committee provided at least one Member of the Sub-Committee whose Minutes are being considered for approval is present.

Legal Implications

5. The proposed course of action will accord with the requirements of the Local Government Act 1972 in relation to meetings of local authority Committees and Sub-Committees. The relevant paragraph (41(1) of Schedule 12 to the Act) states that "Minutes of the proceedings of a meeting of a local authority shallbe signed at the same or next suitable meeting of the authority by the person presiding thereat" Consequently, the Minutes may be signed by the Chairman of the meeting that confirms those Minutes. It appears that there is no requirement in the 1972 Act or the Licensing Act 2003 or the Regulations to say that the Chairman of the Licensing Sub-Committee must be present at the next meeting when the Minutes are approved.

Resource Implications

6. There is no resource implication.

Conclusions

7. It is considered that the suggested amendment to the Committee and Sub-Committee Procedure Rules in the Council's Constitution will greatly facilitate the confirmation of Licensing Sub-Committee Minutes in accordance with the provisions of existing legislation.

Background Papers: None.