

**CHILTERN DISTRICT COUNCIL
LICENSING AND REGULATION COMMITTEE 4th FEBRUARY 2010**

Background Papers, if any, are specified at the end of the Report

4 MEMBERSHIP QUALIFICATIONS FOR LICENSING SUB-COMMITTEE AND TAXI AND PRIVATE HIRE LICENSING SUB-COMMITTEE

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RECOMMENDATION

To recommend to full Council changes to the Constitution of the Licensing Sub-Committee and Taxi and Private Hire Licensing Sub-Committee to make the undertaking of the required training a pre-requisite to membership/participation on these sub-committees.

BACKGROUND

1. Members have recently reviewed the membership of the Taxi and Private Hire Licensing Sub-Committee (Constitutional Review Committee 6 October 2009, Licensing and Regulation Committee 22 October 2009 and Council 27 October 2009).
2. With effect from the next Annual Meeting – May 2010 – membership was agreed to be limited to three members, substitutes should be permitted to ensure a quorum of three and membership will be limited to members of the parent Committee – namely the Licensing and Regulation Committee. The same arrangements will therefore apply to the Taxi and Private Hire Licensing Sub-Committee as to the Licensing Sub-Committee. Consequential changes to the Constitution were approved.
3. Members were generally concerned however that as the Sub-Committees undertook quasi-judicial functions and were called upon to make determinations that could ultimately result in appeals to the Magistrates Court (or in the case of some taxi appeals to the County Court), and resulting cost implications - that membership should be limited to only those members of the parent committee who had undertaken the required training. This report further considers that concern.
4. Similarities were drawn between the decision making functions of these Sub-Committees to those decisions made by the Planning Committee – whose decisions are subject to appeals via the Planning Inspectorate – and consequential costs provisions applicable thereto.

5. Members are advised that the taking up of appointments to the Planning Committee – being able to attend and vote on the Committee – is subject to the Member having attended the required training on Planning Matters and the Members’ Code of Conduct – Council 20.5.03 and 19.5.09. This restriction is written into the limitations on membership recorded in the Constitution.
6. Training is offered to members of the Licensing and Regulation Committee from time to time consisting of matters relating to hackney carriage and private hire and the licensing of premises for the sale of alcohol and entertainment. This training is offered periodically and forms part of the member induction process following the annual Council meeting.
7. A query was also raised as to whether following such training members should be required to pass some form of test to confirm their understanding. There is no formal/recognised ‘qualification’ as such for members of these sub-committees. It should also be pointed out that on both these sub-committees members decision making and discretion is guided by legislation and adopted Policies. A legal representative is also in attendance on both of these sub-committees which is considered necessary and will continue. Members would therefore certainly benefit from some training in advance of participation in the decision making process – but the passing of a qualification/test is considered unnecessary.
8. If Members are minded to adopt this prerequisite to membership of the sub-committees then a training session/sessions will need to be set up as soon as possible after the Annual Council meeting so the holding of sub-committees is not held up due to lack of trained members as there are certain statutory deadlines for determination of Licensing applications and also human rights implications if determinations are delayed.

Background Papers: None
