

Title of Report	Establishment of the Licensing Sub-Committees 2026/27
For Consideration By	Licensing Committee
Meeting Date	3 June 2026
Classification	Open
Ward(s) Affected	N/A
Director	Louise Humphreys, Director of Legal, Democratic & Electoral Services
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1. Summary

- 1.1. This report requests that the Licensing Committee establish its Sub Committees for the municipal year 2026/2027 as set out in Appendix 1 to this report.
- 1.2. Appointments to the Licensing Committee are subject to the approval of Full Council at its Annual Meeting on 28 May 2026
- 1.3. The terms of reference of Licensing Sub-Committees are as set out in Part 9 Appendix 3 of the Council's Constitution.

2. Recommendations

- 2.1. **That the establishment of five Sub Committees (A-E) as detailed at paragraph 3.2 and Appendix 1 of the report be approved.**

3. Background

- 3.1. Full Council is responsible for appointing the Chair, Vice Chair and membership of the Licensing Committee. The Licensing Committee is to establish and appoint (one or more) Sub-Committees, and approve the delegations of functions to those Sub-Committees and any additional Sub-Committee hearing procedures over and above the Council's Procedure

Rules as set out in Part 9 Appendix 3 of the Council's Constitution. (Licensing Act 2003, s 7(1), s9 and s10(1)(a)).

- 3.2. It is proposed that five sub committees (A-E) each comprising three members are set up. Membership of the Sub-Committees will, as meetings are required, be drawn from the wider membership of the Licensing Committee depending upon the availability of members. Sub-Committees will lead on considering and resolving all matters relating to the licensing, certification and registration functions of the Council which fall within the functions of the Licensing Committee.
- 3.3. Licensing Sub-Committees have responsibility for all matters relating to the discharge by the licensing authority of its licensing and related functions under the Licensing Act 2003 s4(1), with a view to promoting the four licensing objectives:
 - The prevention of crime & disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 3.4. Licensing Sub-Committees consider applications for new and existing licences under the Licensing Act 2003; licences for the sale of alcohol, public entertainment, cinemas, theatres, late night refreshment houses, and night cafés. They are also responsible for hearing appeals against decisions made by officers carrying out delegated licensing functions. Councillors will receive regular support to fulfil their role from legal and licensing officers.
- 3.5. Its functions are also governed by the Gambling Act 2005, Schedule 3 Local Government (Miscellaneous Provisions) Act and Part II of the London Local Authorities Act 1991.
- 3.6. The Licensing Committee is not an ordinary committee because it is established under s6 of the Licensing Act 2003, which prescribes that it must contain not less than 10 and not more than 15 Members. Licensing Sub-Committees are similarly not ordinary committees, as these exist by virtue of section 10 of the Licensing Act 2003, which permits the delegation of the functions of the Licensing Committee to one or more sub-committees. However, the Council has previously applied the political balance rules to this Committee and this convention has been followed again this year with the establishment of this Committee. The Sub-Committees to be established will not be subject to the political balance rules as they depend upon member availability.

4. Financial Implications

- 4.1. There are no additional budgetary implications arising from the information outlined in this report. All costs are contained within the current approved budget.

Financial Implications prepared on behalf of the Group Director Finance & Corporate Resources by: Deirdre Worrell, Director, Financial Management
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5. Legal implications

- 5.1. The Council has delegated its licensing functions to the Licensing Committee.
- 5.2. Section 9(1) of the Licensing Act 2003 provides that a licensing committee may establish one or more sub-committees consisting of three members of the committee. The establishment of Licensing Sub-Committees A-E complies with these requirements.
- 5.3. The Licensing Committee has previously issued a standing delegation to any Sub-Committee that may be established authority to hear and determine applications set out in the Licensing Act 2003 and the Gambling Act 2005. The Licensing Committee has also delegated to the Sub-Committees authority to hear and determine applications under the Local Government (Miscellaneous Provisions) Acts for Sexual Entertainment Venues.

Legal implications prepared by Louise Humphreys Director of Legal, Democratic & Electoral Services
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Appendices

Appendix 1 - Establishment of Licensing Sub Committees A-E 2026/27

Background documents

None

Appendix 1 - Establishment of the Licensing Sub-Committees 2026/27

1. Although not a requirement, the Council has previously applied the political balance rules to this Committee. In accordance with these rules, the committee will be comprised of 12 Green Councillors, 2 Conservative Councillors, and 1 Labour Councillor. Nominations will be approved at the Council's Annual Meeting on 28 May 2026. If political groups do not nominate Members to the committee, it will operate with the resulting vacancies. Membership of the Licensing Sub-Committee will be drawn from the main committee.
2. There are 5 Licensing Sub-Committees A-E. Each Sub-Committee consists of three Members. The Sub-Committees to be established will not be subject to the political balance rules as they depend upon member availability. Sub-Committees A, B and C are scheduled during the evening whilst Sub-Committees D and E have scheduled hearings during the day.
3. Sub-Committees have been scheduled in the Council's meetings calendar from Monday-Thursday with daytime meetings commencing at 2.00pm and evening meetings at 7.00pm
4. To accommodate the various commitments of Councillors, Members of the Licensing Committee will not be allocated to a specific Sub-Committee. Instead, Councillors are encouraged to identify and give advance notice of the dates that they are available to sit for hearings. This is to facilitate greater attendance. It is however acknowledged that Members will have varying availability.
5. The Council's Constitution stipulates that the quorum for Licensing Sub-Committees is 2 Members. However, the aim is to have three Members for all Sub-Committee hearings.
6. A prerequisite of being a Member of the Licensing Committee is sitting on Sub-Committees and hearing applications, reviews and Temporary Event Notices. Therefore, all Members of the Licensing Committee are substitutes for Sub-Committees.
7. On occasion, an appointed Member of a Licensing Sub-Committee cannot take part in a hearing, for example if premises are located in the Member's ward. Although every effort will be made by officers to mitigate against this, In such cases, it will be necessary to appoint a substitute Member, often at short notice.
8. Attendance at Sub-Committee hearings will be monitored, reviewed and reported quarterly.

9. Given the quasi-judicial nature of Licensing Sub-Committees, all Committee Members are required to undertake annual training which is delivered at the first meeting of the Licensing Committee of the Municipal Year. New Members to the Committee will undertake further training led by the Licensing and Corporate Lawyer and are unable to sit until such training has been completed.
10. In accordance with the High Court case of *Walk Safe Security Services Ltd v London Borough of Lewisham* [2024] EWHC 1787 (Admin), licensing hearings may be held remotely and this may be fully remote or using a hybrid procedure where some participants are in a physical location and others join through video conferencing).
11. The Monitoring Officer is of the opinion that, as a matter of principle, it is appropriate for licensing hearings to continue to be held remotely (whether fully remote or via a hybrid option) for the 2025/2026 Municipal Year. This principle is, however, subject to an obligation on the part of the licensing authority to consider any representations from any person who has the right to appear at any specific licensing hearing that such arrangements would not be fair to all parties or would otherwise interfere with the rights to a fair hearing under Article 6 EHCR. If the licensing authority concludes that remote arrangements would not be fair in any specific case then they must consider alternative arrangements. This decision is reviewed by the Monitoring Officer annually.