

**Report of:** Corporate Director of Resources

Meeting of:	Date	Agenda item	Ward(s)
Licensing Committee	17 May 2012	<b>B1</b>	N/A

Delete as appropriate		Non-exempt
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## **SUBJECT: APPOINTMENT OF THE LICENSING SUB-COMMITTEES FOR MUNICIPAL YEAR 2012/2013 AND DELEGATION OF LICENSING FUNCTIONS**

### **1. Synopsis**

- 1.1 This report proposes the appointment of the Licensing Sub-Committees, the approval of their terms of reference and the delegation of licensing functions to the Licensing Sub-Committees and to officers.

### **2. Recommendation**

(a) That four Licensing Sub-Committees be established for the municipal year 2012/2013 with the terms of reference set out in Appendix 1 of the report and that all functions falling within the terms of reference be delegated to them;

(b) That the following members, Chairs and Vice-Chairs, be appointed for the municipal year 2012/2013 or until successors are appointed,

#### **Licensing Sub-Committee A:**

<b>Members:</b>	<b>Substitutes:</b>
<b>Councillor Wally Burgess (Chair)</b> <b>Councillor Phil Kelly (Vice-Chair)</b> <b>Councillor Jean Roger Kaseki</b>	All other members of the Licensing Committee.

#### **Licensing Sub-Committee B:**

<b>Members:</b>	<b>Substitutes:</b>
<b>Councillor Gary Doolan (Chair)</b> <b>Councillor Barry Edwards (Vice-Chair)</b> <b>Councillor George Allan</b>	All other members of the Licensing Committee.

### **Licensing Sub-Committee C:**

<b>Members:</b>	<b>Substitutes:</b>
<b>Councillor Marion Spall (Chair)</b> <b>Councillor Claudia Webbe (Vice-Chair)</b> <b>Councillor Raphael Andrews</b>	All other members of the Licensing Committee.

### **Licensing Sub-Committee D:**

<b>Members:</b>	<b>Substitutes:</b>
<b>Councillor Troy Gallagher (Chair)</b> <b>Councillor Joe Caluori (Vice-Chair)</b> <b>Councillor David Wilson</b>	All other members of the Licensing Committee.

(c) That the delegations to officers as set out in Appendix 1 be approved.

## **3. Background**

- 3.1 Licensing Sub-Committees are established under the Licensing Act 2003. They may exercise licensing functions (as defined by the Licensing Act 2003 and licensing functions under the Gambling Act 2005) other than functions specifically reserved to the Council, which are delegated to them by the Licensing Committee
- 3.2 The Licensing Committee may also delegate its functions to officers of the Council, subject to restrictions set out in the Act where relevant representations or police objections are received. Guidance issued in respect of the Licensing Act 2003 and the Gambling Act 2005 respectively recommends that functions be delegated to sub-committees and officers.
- 3.3 Functions under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended are the responsibility of the Council. Under section 101 of the Local Government Act 1972, the Council may arrange for the discharge of these responsibilities by a committee or sub-committee of the Council. Guidance issued by the Home Office states that the Council may delegate these functions to its licensing committee set up to discharge licensing functions under the Licensing Act 2003.
- 3.4 The Licensing Committee is asked to appoint a number of Sub-Committees to determine applications in respect of the Licensing Act 2003, schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended and the Gambling Act 2005. The Licensing Committee is asked to approve the detailed terms of reference for the Sub-Committees contained in Appendix 1.
- 3.5 The Committee is asked to approve the delegations to officers in Appendix 1.
- 3.6 A list of dates for each of the Sub-Committees is attached at Appendix 2 for information.

## **4. Implications**

### **4.1 Financial implications**

None.

### **4.2 Legal Implications**

4.2.1. The Licensing Act 2003 requires that each licensing authority establish a licensing committee of between ten and fifteen members. A licensing committee may form one or more sub-committees, each comprising three members of the committee.

4.2.2 A licensing committee may sub-delegate its functions to one or more sub-committees, or to an officer of the licensing authority.

4.2.3. Guidance has been issued in respect of the delegation of licensing functions to which the committee is required to have regard. The guidance has been followed in respect of the delegations proposed in this report.

4.2.4. A licensing sub-committee when dealing with an application for a sex establishment licence will not be acting as a sub-committee under the Licensing Act 2003 but would instead be exercising their functions under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

#### 4.3 **Environmental Implications**

The environmental impacts have been considered and it was identified that the proposals in this report would have no adverse impacts on the following:

- Energy use and carbon emissions
- Use of natural resources
- Travel and transportation
- Waste and recycling
- Climate change adaptation
- Biodiversity
- Pollution.

#### 4.4 **Equality Impact Assessment**

There are no direct equality implications arising from the appointment of the Sub-Committees or the delegation of licensing functions.

### 5. **Conclusion and reasons for recommendations**

5.1 The Licensing Committee is responsible for establishing and making appointments to its Sub-Committees.

#### **Background papers:**

None.

Final report clearance:

#### **Signed by:**



**Received by:** Corporate Director of Resources Date

Head of Democratic Services Date

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## **Terms of Reference of Licensing Sub-Committees**

### **Licensing Act 2003**

1. To determine applications for personal licences where the police have served an objection notice or the applicant has an unspent conviction.
2. To determine applications for premises licences, club premises certificates and provisional statements where a relevant representation is made.
3. To determine applications to vary premises licences and club premises certificates where a relevant representation is made.
4. To determine applications to vary a designated premises supervisor where a police objection is received.
5. To determine applications for transfer of a premises licences where a police objection is received.
6. To determine applications to review premises licences and club premises certificates.
7. To determine applications for interim authorities where a police objection is received.
8. To determine a police objection to a temporary event notice.
9. Decision to object when the council is a consultee.

### **Gambling Act 2005**

10. To determine applications for premises licences and provisional statements where representations have been made and not withdrawn.
11. To determine applications for variation of premises licences where representations have been made and not withdrawn.
12. To determine applications for transfer of premises licences where representations from the Gambling Commission or responsible authority are received.
13. To review a premises licence under section 201.
14. Application for club gaming/club machine permits where objections have been made and not withdrawn.
15. Cancellation of club gaming/club machine permits.
16. Decision to give a counter notice to a temporary use notice.

### **Schedule 3 Local Government (Miscellaneous Provisions) Act 1982 as amended**

17. To determine applications for first grant of a sex establishment licence.
18. To determine renewal applications for a sex establishment licence if objections are received and not withdrawn.
19. To determine transfer applications for a sex establishment licence if objections are received and not withdrawn.

**General**

20. To determine any application or variation which is capable of being determined by officers but which the Director of Environment and Regeneration considers appropriate for the Sub-Committee to consider.

**Delegation to Officers**

All functions under the Licensing Act 2003, the Gambling Act 2005 and schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended not within the terms of reference of the Licensing Sub-Committees or reserved to the Council at Part 3 Section 7 of the Constitution, other than the fixing of fees under the Gambling Act 2005.

**Licensing Committee Dates 2012/13 – 6pm**

Thursday 17 May 2012  
Monday 9 July 2012  
Thursday 8 November 2012  
Tuesday 19 March 2013

**Licensing Sub-Committee Dates 2012/13**

**Licensing Sub-Committee A – 10:00 am**

Thursday 17 May 2012  
Tuesday 17 July 2012  
Wednesday 12 September 2012  
Wednesday 7 November 2012  
Wednesday 9 January 2013  
Wednesday 13 March 2013

**Licensing Sub-Committee B – 6pm**

Thursday 31 May 2012  
Monday 30 July 2012  
Thursday 27 September 2012  
Tuesday 20 November 2012  
Thursday 24 January 2013  
Monday 25 March 2013 – 10am

**Licensing Sub-Committee C – 10:00 am**

Thursday 14 June 2012  
Monday 13 August 2012  
Wednesday 10 October 2012  
Monday 03 December 2012  
Wednesday 06 February 2013  
Monday 15 April 2013

**Licensing Sub-Committee D – 6pm**

Monday 02 July 2012  
Thursday 30 August 2012  
Monday 22 October 2012  
Tuesday 18 December 2012  
Tuesday 26 February 2013  
Tuesday 30 April 2013