



Report of: Assistant Chief Executive – Governance and Human Resources

Meeting of:	Date	Agenda item	Ward(s)
Licensing Committee	23 May 2013	B1	N/A

Delete as appropriate		Non-exempt
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SUBJECT: APPOINTMENT OF THE LICENSING SUB-COMMITTEES FOR MUNICIPAL YEAR 2013/2014 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 2013/2014 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 2013/2014 or until successors are appointed.

Licensing Sub-Committee A:

Members:	Substitutes:
To be advised.	All other members of the Licensing Committee.

Licensing Sub-Committee B:

Members:	Substitutes:
To be advised.	All other members of the Licensing Committee.

Licensing Sub-Committee C:

Members:	Substitutes:
To be advised.	All other members of the Licensing Committee.

Licensing Sub-Committee D:

Members:	Substitutes:
To be advised.	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:



Assistant Chief Executive (Governance and HR) Date

Received by:

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 an objection to a temporary event notice.
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 2013/14 – 6 pm

Thursday 23 May 2013
Tuesday 16 July 2012
Monday 18 November 2013
Tuesday 18 March 2014

Licensing Sub-Committee Dates 2013/14 – 6.30 pm

Licensing Sub-Committee A

Thursday 23 May 2013
Monday 29 July 2013
Thursday 3 October 2013
Tuesday 26 November 2013
Tuesday 21 January 2014
Tuesday 25 March 2014

Licensing Sub-Committee B

Monday 3 June 2013
Tuesday 13 August 2013
Tuesday 15 October 2013
Tuesday 3 December 2013
Tuesday 4 February 2014
Tuesday 8 April 2014

Licensing Sub-Committee C

Monday 17 June 2013
Thursday 29 August 2013
Tuesday 22 October 2013
Tuesday 17 December 2013
Tuesday 25 February 2014
Thursday 24 April 2014

Licensing Sub-Committee D

Tuesday 09 July 2013
Tuesday 10 September 2013
Thursday 14 November 2013
Thursday 9 January 2014
Tuesday 4 March 2014
Tuesday 29 April 2014

Additional Sub-Committee meeting – 25 June 2013 to discuss Arsenal application.