

**Report of:** Corporate Director of Resources

<b>Meeting of:</b>	<b>Date</b>	<b>Agenda item</b>	<b>Ward(s)</b>
Licensing Committee	12 May 2011	<b>B1</b>	N/A

<b>Delete as appropriate</b>		Non-exempt
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**SUBJECT: APPOINTMENT OF THE LICENSING SUB-COMMITTEES FOR MUNICIPAL YEAR 2011/2012 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 2011/2012 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 2011/2012 or until successors are appointed,

**Licensing Sub-Committee A:**

<b>Members: - Information to follow</b>	<b>Substitutes:</b>
<b>Councillor (Chair)</b> <b>Councillor (Vice-Chair)</b> <b>Councillor</b>	All other members of the Licensing Committee.

**Licensing Sub-Committee B:**

<b>Members: Information to follow</b>	<b>Substitutes:</b>
<b>Councillor (Chair)</b> <b>Councillor (Vice-Chair)</b> <b>Councillor</b>	All other members of the Licensing Committee.

### Licensing Sub-Committee C:

<b>Members: Information to follow</b>	<b>Substitutes:</b>
<b>Councillor (Chair)</b> <b>Councillor (Vice-Chair)</b> <b>Councillor</b>	All other members of the Licensing Committee.

### Licensing Sub-Committee D:

<b>Members: Information to follow</b>	<b>Substitutes:</b>
<b>Councillor (Chair)</b> <b>Councillor (Vice-Chair)</b> <b>Councillor</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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