

Report of: Assistant Director - Corporate and Dispute Resolution and Deputy Monitoring Officer.

Meeting of:	Date:	Ward(s):
Licensing Committee	21 May 2019	All

SUBJECT: Appointment of the Licensing Sub-Committees for Municipal Year 2019/2020 and Delegation of Licensing Functions.

1. Synopsis

This report proposed 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. Recommendations

- a) That four Licensing Sub-Committees be established for the municipal year 2019/2020 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 2019/2020 or until successors are appointed.

Licensing Sub-Committee A:

Members:	Substitute:
To be confirmed.	All other members of the Licensing Committee.

Licensing Sub-Committee B:

Members:	Substitute:
To be confirmed.	All other members of the Licensing Committee.

Licensing Sub-Committee C:

Members:	Substitute:
To be confirmed.	All other members of the Licensing Committee.

Licensing Sub-Committee D:

Members:	Substitute:
To be confirmed.	All other members of the Licensing Committee.

- c) That, it be noted that, the following are members of the Licensing Committee and are substitutes for all of the Licensing Sub-Committees:-

To be confirmed.

- d) That the Terms of Reference for the Licensing Committee as set out in Appendix 2 be noted.

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.
- 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.
- 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 note the terms of reference for the Licensing Committee set out at Appendix 2.

3.6 A list of dates for each of the Sub-Committees is attached at Appendix 3 for information.

4. Implications

Financial implications:

None.

Legal Implications:

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.

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

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

There are no environmental impacts arising from this report.

4.4 Resident Impact Assessment:

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding. There are no equalities impacts arising from this appointment.

5. Conclusion and reasons for recommendations

The Committee needs to approve the report in order for the Sub-Committees to be properly constituted.

Appendices

- Appendix 1 – Terms of Reference of the Sub-Committees
- Appendix 2 – Terms of Reference of the Licensing Committee
- Appendix 3 – Licensing Sub-Committee meeting dates 2019/2020.

Background papers:

None.

Final report clearance:

A handwritten signature in black ink, appearing to read 'P Felber', is displayed within a light grey rectangular box.

Signed by Assistant Director - Corporate and Dispute Resolution and Deputy Monitoring Officer

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