

<p>Non-Executive Report of the:</p> <p>Licensing Committee</p> <p>Tuesday, 31 May 2022</p>	
<p>Report of: Head of Democratic Services</p>	<p>Classification: Open (Unrestricted)</p>
<p>Licensing Committee, Terms of Reference, Membership, and Quorum</p>	

Originating Officer(s)	Simmi Yesmin
Wards affected	(All Wards);

Executive Summary

This report sets out the Terms of Reference, Membership, and Quorum of the Licensing Committee and the Schedule of Dates for the Municipal Year 2022/2023 for Members' information.

Recommendations:

The Licensing Committee is recommended to:

1. Note its Terms of Reference, Membership, and Quorum as set out in Appendices 1 to this report.

1. REASONS FOR THE DECISIONS

- 1.1 This report is for the information of the Committee and no specific decisions are required.

2. ALTERNATIVE OPTIONS

- 2.1 This report is for the information of the Committee and no specific decisions are required.

3. DETAILS OF THE REPORT

- 3.1 At the Annual Meeting of the Full Council scheduled to be held on 25 May 2022, Council will have re-established the Licensing Committee and will have delegated to this body a range of duties and responsibilities relating to the licensing function in accordance with relevant legislation.
- 3.2 It is traditional that following the Annual Meeting of the Full Council at the start of the Municipal Year, at which various committees are established, that those committees note their terms of reference for the forthcoming Municipal Year.
- 3.3 Council, on 25 May 2022, will have agreed a schedule of dates for Committees/ Panels for the Municipal Year 2022/2023. The dates agreed for the Licensing Committee are as follows:-
- 31 May 2022
 - 07 September 2022 (Sexual Entertainment Venues)
 - 04 October 2022
 - 10 January 2023
 - 02 May 2023
- 3.4 It may be necessary to convene additional meetings of the Committee should urgent business arise. Officers will keep the position under review and consult with the Chair and Members as appropriate.
- 3.5 Meetings of the Licensing Committee are usually scheduled to take place at 6.30pm in the Town Hall, Mulberry Place in accordance with the programme of meetings. Licensing Sub-Committees also start at 6.30pm to allow potentially long meetings to end at a reasonable time.

4. EQUALITIES IMPLICATIONS

- 4.1 In drawing up the schedule of dates, consideration was given to avoiding school holiday dates and known dates of religious holidays and other important dates where at all possible.

5. OTHER STATUTORY IMPLICATIONS

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 There are no specific statutory implications arising from this noting report.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no specific financial implications arising from the contents of this report.

7. COMMENTS OF LEGAL SERVICES

7.1 The information provided for the Committee to note is in line with the Council's Constitution and the resolutions to be made by Full Council on 25 May 2022.

7.2 Section 6 of the Licensing Act 2003 ("the 2003 Act") requires all licensing authorities to establish a Committee of at least ten, and not more than fifteen, members of the authority. By virtue of s.7, all licensing functions (save for the making of the five-yearly licensing policy and the making, varying or revocation of an Early Morning Restriction Order) are delegated to the Licensing Committee. These functions may be further delegated to Sub-Committees or officers, subject to any statutory limitation that may apply.

7.3 Section 154 of the Gambling Act 2005 ("the 2005 Act" provides that all functions under that Act (save for the making of the three-yearly gambling policy and the making of a "no casinos" resolution") are delegated to the Licensing Committee established under s.6 of the 2003 Act. These functions may be further delegated to Sub-Committees or officers, subject to any statutory limitation that may apply.

7.4 The Council is also responsible for licensing sex establishments pursuant to section 2 of and Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. Paragraph 10(19) of Schedule 3 provides that before an authority refuses an application for a licence, an application to renew a licence, or an application to transfer a licence, they shall give the (proposed) licence holder (and proposed transferee, where applicable) the opportunity to appear before a committee or sub-committee of the authority. Pursuant to the

Council's Constitution, all such applications will be heard and determined by the Licensing Committee.

- 7.5 The Council is also responsible for licensing special treatments, such as massage, ear and body piercing, tattooing, etc. pursuant to Part 2 of the London Local Authorities Act 1991. The procedure for determining such applications is set by the Council. In line with other licensing functions, where objections are received in respect of an application for a licence, for its renewal or for its transfer, the Constitution provides that the matter will be determined by the Licensing Committee.
-

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 – Terms of Reference, Quorum and Membership of the Licensing Committee

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None

Officer contact details for documents:

N/A