

<p>Non-Executive Report of the:</p> <p><b>Licensing Committee</b></p> <p>Monday, 2 November 2020</p>	
<p><b>Report of:</b> Head of Democratic Services</p>	<p><b>Classification:</b> Open (Unrestricted)</p>
<p><b>Establishment of Licensing Sub Committees, Terms of Reference &amp; Meeting Dates</b></p>	

<p><b>Originating Officer(s)</b></p>	<p>Simmi Yesmin, Democratic Services</p>
<p><b>Wards affected</b></p>	<p>(All Wards);</p>

### **Executive Summary**

The purpose of this report is to establish the Licensing Sub Committees, note it's Terms of Reference, Meeting Dates, and appoint Licensing Sub Committee Chairs.

### **Recommendations:**

The Licensing Committee is recommended to:

1. Note the Licensing Sub Committee's Terms of Reference and Schedule of meetings attached as Appendix 1 to this report.
2. Agree to the establishment of Licensing Sub Committees to determine applications where representations have been made.
3. Determine how many Licensing Sub Committee Chairs to appoint

## **1. REASONS FOR THE DECISIONS**

- 1.1 This report asks the Licensing Committee to note the terms of reference and meeting dates agreed by Full Council, agree to the establishment of Licensing Sub Committees to consider applications with representations in accordance with the Licensing Act 2003 and consider the appointment of Licensing Sub Committee Chairs.

## **2. ALTERNATIVE OPTIONS**

- 2.1 Not applicable.

## **3. DETAILS OF THE REPORT**

- 3.1 In accordance with the Licensing Act 2003, Full Council at its meeting held on 30 September 2020 established a Licensing Committee consisting of 15 Members with powers to appoint Sub Committees to consider and determine Licensing applications.
- 3.2 The Licensing Act 2003 allows a Sub Committee to consist of three Members and the quorum for Sub Committees is also three Members. It is therefore imperative that Members commit to attending Sub-Committee meetings they are appointed to.
- 3.3 The previous Licensing Committee agreed that all Members of the Licensing Committee would be eligible to serve on its Sub Committees and appointed specific Members of the Committee to Chair Sub Committee meetings.
- 3.4 Proportionality rules do not apply to Licensing Sub Committees; a Sub Committee can be constituted with one named Chair and any other two Members. (Wherever possible, and in line with Licensing Guidance, Members will not be asked to consider applications for premises within their Ward).
- 3.5 Although Council has approved a schedule of dates for Licensing Sub Committee meetings, it may be necessary to alter these dates and/or arrange additional meetings depending on the number of applications which require a hearing.
- 3.6 Members are also asked to note the Terms of Reference and the Schedule of Licensing Sub Committee meetings (attached as Appendix 1 to this report).

## **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 proposals within this report. Any costs associated with member attendance and other allowances will be contained within existing budgets.

## **7. COMMENTS OF LEGAL SERVICES**

7.1 Section 6 of the Licensing Act 2003 (“the 2003 Act”) provides that each Licensing Authority must establish a Licensing Committee consisting of at least ten, but not more than fifteen, members of the authority.

7.2 The overwhelming majority of contested licence applications will be heard by Licensing Sub Committees. Pursuant to section 9(1) of 2003 Act, a Licensing Committee may establish one or more sub-committees consisting of three members of the committee. Section 10 of the 2003 Act then allows for the Licensing Committee to arrange for its functions relating to contested hearings to be delegated to the sub committees. In order that the Council can deal with the potential large number of contested applications it will be preferable if the Licensing Committee does delegate this function. Further, due to the nature of the Hearing Regulations, Sub Committees will be better able to consider applications much more quickly than the main Licensing Committee.

7.3 The delegation of functions not only applies to licensing authority functions under the 2003 Act but also to licensing authority functions under the Gambling Act 2005 (“the 2005 Act”). Section 154(1) of the 2005 Act provides that licensing authority functions under that part of the 2005 Act (that is Part 8) are delegated to a Licensing Committee of the licensing authority established under section 6 of the 2003 Act. Section 154(3) of the 2005 Act provides that section 10 of the 2003 Act applies in relation to functions delegated to the Licensing Committee by virtue of section 154(1) of the 2005 Act.

- 7.4 As the Sub Committee is appointed pursuant to the powers in Section 9 of the Licensing Act 2003, then it is not classed as an advisory or an ordinary Committee/Sub Committee of the Council. Further, as the Sub Committee does not fall within one of the other named categories of bodies for the purposes of section 15 of and schedule 1 to the Local Government and Housing Act 1989 then the Sub Committees do not have to reflect the political makeup of the Council and therefore the proportionality principles do not apply.
- 7.5 Finally, as to the Licensing Committee, section 9(3) of the Licensing Act 2003 gives power to the Licensing Committee, subject to any Regulations made by Government, that the Committee may regulate its own procedure and that of its Sub Committees.
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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None

### **Appendices**

- Appendix 1 – Terms of Reference, Schedule of Dates for the Licensing Sub Committees

### **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