

Licensing Committee – August

4. Licensing Sub-Committee 2007/8 Membership and Delegations

Head of Service Ian Clarke, Legal and Democratic Services Manager

Lead Officer: Bob Gillis, Democratic Services Manager

Contact Details: bob.gillis@southsomerset.gov.uk or (01935) 462563

Purpose of the Report

This report asks members to agree the future arrangements for the Licensing Sub-Committee meetings.

Recommendations

The Committee is asked to:

- (1) confirm that the Sub-Committee of three members be re-constituted to consider the following matters:
 - Licensing Act 2003 Applications in accordance with the Council's Statement of Licensing Policy
 - Gambling Act 2005 Applications in accordance with the Council's Statement of Gambling Principles
 - Taxi Licences which officers refer to members in accordance with the Council's Scheme of Delegation
 - Pet Establishment which officers refer to members in accordance with the Officer Scheme of Delegation.
- (2) agree that all members of the Committee be appointed to serve on the Licensing Sub-Committee on a rota basis.
- (3) Agree that the Democratic Services Manager be given delegated authority to select three Members to serve on the Sub-Committee for each meeting in accordance with the rota arrangements to be circulated.
- (4) appoint a panel of chairmen for the Sub-Committee meetings.
- (5) note and confirm the Scheme of Delegation for Licensing Act 2003 Applications and Gambling Act 2005 as attached as Appendices A and B to this report..

Background

The Licensing Committee is established under the Licensing Act 2003 and is responsible for the determination of licences under that Act, the Gambling Act 2005 and other licences that officers refer to members in accordance with the Scheme of Delegation – taxi licences, pet establishments. The Committee has established one sub-committee of three members to hear these licensing applications, and all members of the Committee have been appointed to serve on the sub-committee in accordance with a rota drawn up by the Democratic Services Manager.

At its special meeting on 17th May 2007 the Committee agreed these arrangements for the new municipal year 2007/8, and this report asks the Committee to appoint further chairmen for the sub-committee, confirm the membership arrangements and the schemes of delegation.

Sub-Committee Chairmen

The Committee has previously agreed that 5 members of the Committee would be appointed to chair the Sub-Committee meetings as it was considered that there needed to be a small number of experienced chairmen, one of whom would be included in the membership for each Sub-Committee meeting. The following members were re-appointed as chairmen at the Special Licensing Committee in May: Councillors Tony Fife, Nigel Mermagen and Martin Wale. The Committee is recommended to appoint a further two members to serve as chairmen.

Membership of the Sub-Committee

Once again, it is recommended that as far as possible the Committee agrees the membership and deputising arrangements in advance so that there can be no discretion as to how members are selected and therefore the selection method cannot be challenged.

Members are also reminded that members will not be able to sit on the Sub-Committee when it considers an application within their ward.

The proposed rota will be available at the meeting.

Delegation

At its meeting in May the Committee confirmed the Scheme of Delegation for Licensing Act applications as set out in the Statement of Licensing Policy. The delegations are set out in the policy and attached as Appendix A.

The Committee is also asked to agree that the Sub-Committee will hear applications required to be determined by members for taxi licences and pet establishments. In addition the Committee is asked to agree that the Sub-Committee will hear applications required to be determined by members under the Gambling Act. The delegations under the Gambling Act policy are set out as Appendix B.

Experience

As this is the first ordinary meeting of the Committee this year, members are invited to raise any issues they may have in relation to the operation of the Sub-Committee as it is important to keep the process and procedures under review and learn from experience particularly in relation to the conduct of the hearings.

Financial Implications

There are no direct financial implications from approving members to sit on the sub-committee.

Background Papers: Licensing Act 2003 and Gambling Act 2005 (Published)

Table Of Delegations Of Licensing Functions Under The Licensing Act 2003

Delegations to the Sub-Committee taken from the Council’s Statement of Licensing Policy

MATTER TO BE DEALT WITH	<i>FULL</i> COMMITTEE	SUB-COMMITTEE	OFFICERS
Application for personal licence		If an objection is made	If no objection is made
Application for personal licence, with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a representation is made	If no representation is made
Application for provisional statement		If a representation is made	If no representation is made
Application to vary premises licence/club premises certificate		If a representation is made	If no representation is made
Application to vary designated premises supervisor		If a police objection is made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection is made	All other cases
Application for interim authorities		If a police objection is made	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	

Table Of Delegations Of Licensing Functions Under The Gambling Act 2005

Delegations to the Sub-Committee taken from the Council's Gambling Act Statement of Principles

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licens premises gaming machi permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	