
Licensing and Safety Committee – 28th May 2009

Report of the Interim Director of Law, Property and Human Resources

Appointment of Sub-Committees

Purpose of Report

- 1 To consider the appointment of four Licensing Sub-Committees for the municipal year 2009/10.

Background

- 2 In accordance with the Licensing Act 2003, the Council is required to make provision for the appointment of a Licensing Committee to undertake functions relating to liquor licensing. During 2004/2005, the Council operated interim arrangements and on the 19th May 2004 the Council resolved for practical purposes and to simplify administrative arrangements that the members appointed to the Licensing and Safety Committee should undertake, in addition to its existing functions, the statutory functions of the Committee under the 2003 Act, with the exception of the approval of the Licensing Policy and any other specific functions that may be reserved to full Council. In practice, the majority of all licensing applications, whether arising from the Licensing Act, 2003 or the other legislation referred to in paragraph 6 of this report, will be dealt with by the Licensing Sub-Committees. The functions of the Licensing and Safety Committee are set out in Appendix 1 to this report. It is recommended that the Sub-Committees be given delegated powers to consider all licensing functions requiring Member determination in accordance with these functions.

- 3 On the 19th May 2005, the Council also resolved that the proportionality requirement in respect of the Sub-Committees should be waived and that the following wording be added to Council Procedure Rule 5.2 and the Constitution be amended accordingly:-

"The appointment of a substitute member is permitted for every member on any body exercising functions of a quasi-judicial nature where it is necessary for that body to be of a prescribed size or there is a need to comply with the requirements of any statutory requirement or Government guidance. A substitute member shall only be appointed if he/she is otherwise eligible to serve on the body concerned. Any substitute nominated to serve on a quasi-judicial

body should be notified to the Director of Law and Property prior to the commencement of the meeting in question.

A substitute member shall serve only for the duration of the meeting to which they are appointed as a substitute except in the case of a quasi-judicial body:-

- (a) Where a member is required to withdraw from, or cannot attend to hear a particular case, where substitution will be permitted for that particular case.
 - (b) Where an adjourned meeting is reconvened and it is essential for the substitute member to consider a case to comply with the rules of natural justice. In these circumstances, the substantive member may not attend other than as an observer.
- 4. At the meeting of Annual Council to be held on 21st May, 2009, it is being proposed that the number of members to serve on the committee be reduced from 15 to 12 and that as a consequence of this the number of sub-committees be reduced from 5 to 4.
 - 5. Details of the proposed Membership of the four Sub-Committees are attached at Appendix 2 to this report. Appendix 3 attached to this report sets out scheduled meeting dates of the sub-committees.

Finance

- 6. There are no financial implications.

Law

- 7. Liquor Licensing is governed by the Licensing Act 2003.

Gambling Act 2005

Street and Door to Door Collecting is governed by Police, Factories, etc (Miscellaneous Provisions) Act 1916 and House to House Collections Act 1939.

Street Trading is governed by Local Government (Miscellaneous Provisions) Act 1982 Part III.

Scrap Yards is governed by Scrap Metal Dealers Act 1964.

Sex Shops is governed by Local Government (Miscellaneous Provisions) Act 1982 Part II.

Performance Hypnotism is governed by Hypnotism Act 1952.

Motor Salvage Operators is governed by Vehicles Crime Act 2001.

Gambling Licences and Permits are governed by the Gambling Act 2005.

Equality Impact

8. This report takes into account the Council's equality and diversity policies.
9. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises.
10. There has been no consultation or involvement of children and young people in developing these proposals.

Recommendation

11. That four Licensing Sub-Committees be established to deal with all licensing applications requiring member determination in accordance with the functions allocated to the Licensing and Safety Committee set out in Appendix 1.
12. That consideration be given to the membership of the Sub-Committees for 2009/10 as indicated in Appendix 2 to the report submitted.
13. That the substitution arrangements set out in the Council's procedure rules be noted and applied to the Licensing Sub-Committees subject to an eligibility requirement that any named substitute must be:-
 - a) appointed to the Licensing and Safety Committee;
 - b) otherwise eligible to serve on any given occasion;
 - c) notified to the Interim Director of Law and Property prior to the commencement of the meeting in question.



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INTERIM DIRECTOR OF LAW, PROPERTY AND HUMAN RESOURCES

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List of Background Papers

The Council's Constitution
Licensing Act 2003