

LICENSING & SAFETY COMMITTEE

26TH MAY 2005

APPOINTMENT OF SUB-COMMITTEES

1.0. PURPOSE

- 1.1. To consider the appointment of five Licensing Sub-Committees for the municipal year 2005/06.

2.0. BACKGROUND

- 2.1. 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 15 members appointed to the Licensing & 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 5.1 of this report, will be dealt with by the five Licensing Sub-Committees. The terms of reference for the Licensing and Safety Committee is attached as 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 terms of reference.

- 2.2. On the 19th May 2005, the Council also resolved that the proportionality requirement in respect of the five 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 & 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.

2.3 During the municipal year 2004/2005 the Council appointed five Sub-Committees to undertake functions relating to liquor licensing. Details of the membership of those Committees is attached as Appendix 2 to this report.

3.0 PROPOSAL

3.1. That five 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.

3.2 That consideration be given to the membership of the Sub-Committees for 2005/2006.

3.3 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 Director of Law and Property prior to the commencement of the meeting in question.

4.0 FINANCE

4.1. There are no financial implications.

5.0 LAW

5.1. Liquor Licensing is governed by the Licensing Act 2003.

Gaming and Lotteries is governed by the Gaming Act 1968 and Lotteries & Amusements Act 1976.

Public Entertainments is governed by the Local Government (Miscellaneous Provisions) Act 1982 Part 1.

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

Cinemas and Cinema Clubs is governed by the Cinemas Act 1985 Cinematograph (Safety) Regulations 1955 Cinematograph (Children) (No 2) Regulations 1955.

Theatres is governed by Theatres Act 1968.

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.

6.0 EQUAL OPPORTUNITIES

6.1. This report complies with the Council's policy on equal opportunities.

7.0 RECOMMENDATION

7.1. That approval be given to the proposals set out in Section 3 above.

8.0 BACKGROUND PAPERS

8.1 The Council's Constitution
Licensing Act 2003

John Pym

.....
DIRECTOR OF LAW AND PROPERTY

Contact Officer: Mrs. J. Elliott, Ext. 5377

APPENDIX 1

Committee	Membership	Functions	Onward Delegation of Functions														
<u>Licensing and Safety</u>	Members of the Authority	<ol style="list-style-type: none"> 1. Gaming, entertainment, food and miscellaneous licensing. 2. Functions relating to licensing (other than hackney carriage and private hire licensing) as set out in Schedule 1 to the Functions Regulations. 3. Licensing functions in respect of the registration service for births, deaths and marriages. 4. Designation Orders under Section 13 of the Criminal Justice and Police Act, 2001 regarding alcohol consumption in public places. 	<table border="1"> <tr> <td colspan="2" data-bbox="986 376 1463 421" style="text-align: center;">Director of Law and Property</td> </tr> <tr> <td data-bbox="986 450 1046 488">(1)</td> <td data-bbox="1058 450 1463 1061"> Determination of applications where no objection has been received for licences or consents for:- <ol style="list-style-type: none"> (a) gaming and lotteries (b) public entertainments (c) street and door to door collecting (d) cinemas and cinema clubs (e) theatres (f) street trading (g) scrap yards (h) sex shops (i) performances of hypnotism (j) registration of doorstaff; (k) licensing functions under the Licensing Act, 2003 </td> </tr> <tr> <td colspan="2" data-bbox="986 1090 1463 1128">(2) Suspension of licences;</td> </tr> <tr> <td data-bbox="986 1158 1046 1196">(3)</td> <td data-bbox="1058 1158 1463 1249">Consultation with licence holders or their authorised representatives and the Police;</td> </tr> <tr> <td colspan="2" data-bbox="986 1256 1463 1473">(4) the determination, in consultation with the Chairman, of requests for the relief from payment of fees for street trading consents or for the waiver of fees in respect of public entertainments licences;</td> </tr> <tr> <td colspan="2" data-bbox="986 1503 1463 1720">(5) the determination, in consultation with the Chairman, of the fee to be charged to applicants so as to cover all administrative costs of the door supervisors registration and training scheme;</td> </tr> <tr> <td data-bbox="986 1749 1046 1787">(6)</td> <td data-bbox="1058 1749 1463 1872">the approval, in consultation with the Chairman, of one or more suitable training schemes in respect of door supervisors;</td> </tr> </table>	Director of Law and Property		(1)	Determination of applications where no objection has been received for licences or consents for:- <ol style="list-style-type: none"> (a) gaming and lotteries (b) public entertainments (c) street and door to door collecting (d) cinemas and cinema clubs (e) theatres (f) street trading (g) scrap yards (h) sex shops (i) performances of hypnotism (j) registration of doorstaff; (k) licensing functions under the Licensing Act, 2003 	(2) Suspension of licences;		(3)	Consultation with licence holders or their authorised representatives and the Police;	(4) the determination, in consultation with the Chairman, of requests for the relief from payment of fees for street trading consents or for the waiver of fees in respect of public entertainments licences;		(5) the determination, in consultation with the Chairman, of the fee to be charged to applicants so as to cover all administrative costs of the door supervisors registration and training scheme;		(6)	the approval, in consultation with the Chairman, of one or more suitable training schemes in respect of door supervisors;
Director of Law and Property																	
(1)	Determination of applications where no objection has been received for licences or consents for:- <ol style="list-style-type: none"> (a) gaming and lotteries (b) public entertainments (c) street and door to door collecting (d) cinemas and cinema clubs (e) theatres (f) street trading (g) scrap yards (h) sex shops (i) performances of hypnotism (j) registration of doorstaff; (k) licensing functions under the Licensing Act, 2003 																
(2) Suspension of licences;																	
(3)	Consultation with licence holders or their authorised representatives and the Police;																
(4) the determination, in consultation with the Chairman, of requests for the relief from payment of fees for street trading consents or for the waiver of fees in respect of public entertainments licences;																	
(5) the determination, in consultation with the Chairman, of the fee to be charged to applicants so as to cover all administrative costs of the door supervisors registration and training scheme;																	
(6)	the approval, in consultation with the Chairman, of one or more suitable training schemes in respect of door supervisors;																

Committee Membership	Functions	Onward Delegation of Functions
<u>Licensing and Safety</u>	<p>5. Functions relating to health and safety under any “relevant statutory provision” within the meaning of Part 1 of the Health and Safety at Work Act, 1974, to the extent that those functions are discharged otherwise than in the Council’s capacity as employer.</p> <p>6. The consideration of reports by the Ombudsman into complaints of maladministration; and the local settlement of complaints to the Ombudsman for sums above £2000.</p> <p>7. Functions under the Vehicles (Crime) Act, 2001.</p> <p>8. Licensing functions under the Licensing Act, 2003.</p>	<p><u>Director of Law and Property</u></p> <p>(7) The determination of appeals against a refusal to approve a building, or against a condition imposed as part of an approval, as a venue for a civil marriage;</p> <p>(8) Approval of premises for the solemnisation of marriages.</p> <p>(9) The local settlement of complaints to the Ombudsman up to a maximum of £2000.</p> <p>(10) The determination of applications for the registration of Motor Salvage Operators under the Vehicles (Crime) Act, 2001, where no objections are received.</p> <p>(11) Decisions under Contract Standing Orders 5.2, 15.3, 22.4 and 22.5</p>

Make Up of Licensing Sub-Committees 2004/05

L1 J Ryder*
D Ameson
R Tomkinson

L4 L Coulter*
J Donegan
T Wright

L2 D Vickers*
J Dunn
M Mottram

L5 A Taylor*
M Bradney
Serena Craigie

L3 D Blood*
R Hart-Bowman
J Finch

* Denotes Chairman

