

Licensing and Safety Committee – 7th March, 2007

Report of the Director of Law and Property

Amendments to the Terms of Reference of the Licensing and Safety Committee and its Sub-Committees

Purpose of Report

1. To consider amendments to the terms of reference of the Licensing and Safety Committee and its sub-committees.

Background

2. The Licensing and Safety Committee at its meeting held on 25th May, 2006, approved the appointment of five Licensing Sub-Committees to deal with all licensing applications requiring Members determination in accordance with the functions allocated to the Licensing and Safety Committee.
3. On 9th February, 2007, a decision sheet, reference LP/5/2007, authorised amendments to the Scheme of Delegation, as set out in Part 3 of the Council's Constitution including an amendment to the terms of reference of this Committee in relation to the Gambling Act, 2005.
4. In accordance with the terms of the decision made amendments have been made to the functions of the Licensing and Safety Committee and to the ongoing delegation of functions as set out in Appendix 1 attached to this report.

Finance

5. There are no direct financial implications arising from the content of this report.

Law

6. The Council's Constitution is governed by the Local Government Act, 2000 and Regulations made thereunder by the Secretary of State.
7. The Council endorsed the Gambling Policy at its meeting held on 4th December, 2006 in accordance with the provisions of the Gambling Act, 2005.

Equality Impact

8. This report takes into account the Council's Equality and Diversity Policy.
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 the amendments made to the terms of reference of the Licensing and Safety Committee and the ongoing delegation of functions be noted and that approval be given to the consideration by the five Licensing Sub-Committees of all licensing functions requiring Member determination in relation to the Gambling Act, 2005.

John Poyden

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Director of Law and Property

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List of Background Papers

The Council's constitution
Decision Sheet LP/5/2007

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. Gambling, 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. 	<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>Director of Law and Property</p> </div> <ol style="list-style-type: none"> (1) Determination of application where no objection has been received for licences or consents for:- <ol style="list-style-type: none"> (a) Gaming and lotteries (b) Street and door to door collecting (c) street trading (d) scrap yards (e) sex shops (f) performances of hypnotism (g) licensing functions under the Licensing Act, 2003 (h) licensing functions under the Gambling Act 2005 (2) Suspension of licences; (3) Consultation with licence holders or their authorised representatives and the Police; (4) the termination, 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;

Committee	Membership	Functions	Onward Delegation of Functions
<u>Licensing and Safety</u>			<u>Director of Law and Property</u>
		4. Designation Orders under Section 13 of the Criminal Justice and Police Act, 2001 regarding alcohol consumption in public places	(6) The approval, in consultation with the Chairman, of one of more suitable training schemes in respect of door supervisors;
		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.	(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.
		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.	(8) Approval of premises for the solemnisation of marriages.
		7. Functions under the Vehicles (Crime) Act, 2001.	(9) The local settlement of complaints to the Ombudsman up to a maximum of £2000. (10) The determination of applications for the registration of Motor Salvage Operators under the Vehicles (Crime) Act, 2001, where no objections are received.
		8. Licensing functions under the Licensing Act, 2003.	
		9. Licensing functions under the Gambling Act, 2005.	(11) Decisions under Contract Standing Orders 5.2, 15.3, 22.4 and 22.5