



Tuesday, 24 May 2011

## LICENSING COMMITTEE

A meeting of Licensing Committee will be held on

**Thursday, 2 June 2011**

commencing at **9.30 am**

The meeting will be held in the Meadfoot Room, Town Hall, Castle Circus,  
Torquay, TQ1 3DR

### Members of the Committee

Councillor Addis  
Councillor Amil  
Councillor Barnby  
Councillor Bent  
Councillor Brooksbank  
Councillor Butt  
Councillor Cowell  
Councillor Doggett

Councillor Ellery  
Councillor Faulkner (A)  
Councillor Hytche  
Councillor James  
Councillor Parrott  
Councillor Pentney  
Councillor Stocks

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**Our vision is for a cleaner, safer, prosperous Bay**

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For information relating to this meeting or to request a copy in another format or language please contact:

**Lisa Warrillow, Town Hall, Castle Circus, Torquay, TQ1 3DR**  
**01803 207064**

Email: [democratic.services@torbay.gov.uk](mailto:democratic.services@torbay.gov.uk)



# LICENSING COMMITTEE AGENDA

1. **Election of Chairman/woman**  
To elect a Chairman/woman for the 2010/2011 Municipal Year.
2. **Apologies**  
To receive any apologies for absence, including notifications of any changes to the membership of the Committee.
3. **Appointment of Vice-Chairman**  
To appoint a Vice-Chairman/woman for the 2010/2011 Municipal Year.
4. **Minutes** (Pages 1 - 4)  
To confirm as a correct record the Minutes of the meeting of this Committee held on 17 March 2011.
5. **Declarations of interest**
  - (a) To receive declarations of personal interests in respect of items on this agenda  
**For reference:** Having declared their personal interest members and officers may remain in the meeting and speak (and, in the case of Members, vote on the matter in question). If the Member's interest only arises because they have been appointed to an outside body by the Council (or if the interest is as a member of another public body) then the interest need only be declared if the Member wishes to speak and/or vote on the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.
  - (b) To receive declarations of personal prejudicial interests in respect of items on this agenda  
**For reference:** A Member with a personal interest also has a prejudicial interest in that matter if a member of the public (with knowledge of the relevant facts) would reasonably regard the interest as so significant that it is likely to influence their judgement of the public interest. Where a Member has a personal prejudicial interest he/she must leave the meeting during consideration of the item. However, the Member may remain in the meeting to make representations, answer questions or give evidence if the public have a right to do so, but having done so the Member must then immediately leave the meeting, may not vote and must not improperly seek to influence the outcome of the matter. A completed disclosure of interests form should be returned to the Clerk before the conclusion of the meeting.  
  
(**Please Note:** If Members and Officers wish to seek advice on any potential interests they may have, they should contact Democratic Services or Legal Services prior to the meeting.)
6. **Urgent items**  
To consider any other items that the Chairman decides are urgent

- 7. Hackney Carriage Tariff Increase** (Pages 5 - 12)  
To consider a report regarding a request from the Torbay Licensed Taxi Association to increase the applicable fare tariff in respect of all Hackney Carriages in Torbay.
- 8. Decisions Taken in Relation to Licensing Act 2003 Applications Under Delegated Powers** (Pages 13 - 16)  
To consider a report that informs Members of the decisions taken in relation to Licensing Act 2003 applications by the Executive Head Community Safety under delegated powers.
- 9. Decisions Taken in Relation to Gambling Act 2005 Applications Under Delegated Powers** (Pages 17 - 20)  
To consider a report that informs Members of the decisions taken in relation to Gambling Act 2005 applications in Torbay by the Executive Head Community Safety under delegated powers.
- 10. Establishment of Licensing Sub Committee** (Pages 21 - 24)  
To consider a report that seeks to establish a Licensing Sub-Committee to deal with all matters in connection with licensing applications.

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## Minutes of the Licensing Committee

17 March 2011

-: Present :-

Councillor Addis (Chairman)

Councillors Manning (Vice-Chair), Amil, Doggett, Excell, Hytche, Mills, Parrott Pentney

### 606. Apologies

Apologies for absence were received from Councillors Horne, Scouler, Stocks and Thomas (J).

### 607. Minutes

The Minutes of the meeting of the Licensing Committee held on 27 January 2011 was confirmed as a correct record and signed by the Chairman.

### 608. Statement of Licensing Policy for Sex Establishments

Members considered Report 64/2011 which sought agreement of the Statement of Licensing Policy for Sex Establishments. The Environmental Health Manager (Commercial) advised the Committee that the powers found within Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 came into force on 7 January 2011, 28 days after the publication of the first two public notices.

He advised that the draft policy covered several key points that were an important part of the delivery of the licensing regime such as the numerical limit of premises. In total nine representations were received and set out in Appendix 2 to Report 64/2011.

#### **Resolved:**

That the Statement of Licensing Policy for Sex Establishments be agreed.

### 609. Street Trading Re-designations

The Committee considered Report 67/2011 regarding a request from the Town Centres Company and Brixham Town Council to change the designations of streets and car parks within the three town centre areas of Torbay and within St. Marychurch from Prohibited to Restricted Consent Areas.

**Licensing Committee**

**Thursday, 17 March 2011**

The Environmental Health Manager (Commercial) advised the Committee that the required Public Notice was placed in the local paper on the 3 February 2011, the Committee noted that no representations had been received.

**Resolved:**

- i) that the street trading designation for those streets included in Appendix 1 to Report 67/2011 be re-designated from Part A of the Street Trading Schedule (Prohibited Streets) to a Part B (Consent Street – Council permission required to occupy the land); and
- ii) the draft Street Trading Policy be approved.

**610. Bay News, 76 Belgrave Road, Torquay**

Members considered an application for a Variation to a Premises Licence in respect of Bay News, 76 Belgrave Road, Torquay as set out in Report 65/2011.

**Cumulative Impact Zone:**

The Premises do not fall within the Cumulative Impact Area.

**Written representations received from:**

<b>Name</b>	<b>Details</b>	<b>Date of Representation</b>
Member of the Public	Representation objecting to the application on the grounds of 'The Prevention of Crime and Disorder' as set out in Appendix 2 to Report 65/2011.	Date not available.

**Additional information:**

Members were advised that the Member of the Public who had written a representation of objection had returned their notice and advised that they would not be attending the Hearing.

**Oral representations received from:**

<b>Name</b>	<b>Details</b>
Applicant	The Applicant outlined the application for a Variation to a Premises Licence as set out in Appendix 1b to Report 65/2011 and responded to Members questions.

**Licensing Committee**

**Thursday, 17 March 2011**

**Decision:**

That the application for a Variation to a Premises Licence in respect of Bay News, 76 Belgrave Road, Torquay be granted as submitted.

**Reason for Decision:**

Members carefully considered all the written and oral representations put before the Licensing Committee by the Applicant and the Interested Party. Members noted that none of the Responsible Authorities had made any representation to the effect that to grant this application would undermine any of the four Licensing Objectives.

Members noted the main thrust of the single representation to be that by increasing the licensing hours of these premises the alcohol related problems in the surrounding area would be added to. Members found that there was no evidence for them to determine that such problems would be added to if the application was granted nor that any such existing problems could be attributed to these premises.

The Licensing Committee therefore found there was no basis for saying that to grant this application would undermine any of the Licensing Objectives.

**611. Application for a Personal Licence**

Members considered an application for a Personal Licence as set out in exempt Report 66/2011.

**Written representations received from:**

<b>Name</b>	<b>Details</b>	<b>Date of Representation</b>
Police	Objection Notice, objecting to the application for a Personal Licence on the ground of the 'Crime Prevention' Objective, as set out in Appendix 3 to exempt Report 66/2011.	8 February 2011

**Additional information:**

Members were advised that the Applicant had not returned their Notice, in accordance with section 8(1)(a) and (2) of The Licensing Act 2003 (Hearings) Regulations 2005, or had any further correspondence with the Licensing Department. Members agreed that the Hearing should proceed in the absence of the Applicant.

**Licensing Committee**

**Thursday, 17 March 2011**

The Licensing Officer, circulated at the meeting, a document titled 'Disclosure Scotland', dated 2 February 2011.

**Oral representations received from:**

<b>Name</b>	<b>Details</b>
Police	The Police Representative outlined their objection to the application for a Personal Licence on the ground of the 'Crime Prevention' Objective.

**Decision:**

Having carefully considered all the written and oral representations, Members believed that, having regard to the Objection Notice, the application should be rejected as this was necessary for the promotion of the Crime Prevention Objective.

**Reason for Decision:**

Members were not satisfied that the circumstances in this case were exceptional or compelling to justify granting the application, as in accordance with paragraph 4.9 of the Guidance issued under section 182 of the Licensing Act 2003.

**(Note:** Prior to consideration of the item in Minute 611 the press and public were formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).)





Public Agenda Item: **Yes**

Title: **Hackney Carriage Tariff Increase**

Wards Affected: **All**

To: **Licensing Committee** On: **2 June 2011**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Steve Cox**

☎ Telephone: **01803 208034**

✉ E.mail: **Steve.cox@torbay.gov.uk**

## **1. What we are trying to achieve**

1.1 This report concerns a request from the Torbay Licensed Taxi Association to increase the applicable fare tariff in respect of all Hackney Carriages in Torbay.

## **2. Recommendation(s) for decision**

2.1 That the appropriate Public Notices are placed to advertise the requested increase in the Hackney Carriage Fare Scale, as set out in the letter from the Torbay Licensed Taxi Association. This is shown in Appendix 1.

2.2 That any responses to the Public Notice be considered by the Licensing Sub-Committee.

2.3 In the event that no objections are received then the new tariff will take effect from the 1 July 2011.

## **3. Key points and reasons for recommendations**

3.1 Under the terms of the Local Government (Miscellaneous Provisions) Act 1976, a Local Licensing Authority may determine the maximum level of charges to be levied by all Hackney Carriages operating under its control.

3.2 A letter has been received on the 13 April 2011 from the Torbay Licensed Taxi Association requesting that a 6% increase to be considered in the current year. Although the Torbay Licensed Taxi Association represents many in the Hackney Carriage trade, a significant number are not members of the Association.

- 3.3 It will be necessary to advertise the proposals by way of Public Notice for 14 days and in the event that objections are received, these responses must be considered by the Licensing Sub-Committee before any increase can take effect. If no objections are received then the new fares tariff will commence from 1 July 2011.

**For more detailed information on this proposal please refer to the supporting information.**

**Frances Hughes  
Executive Head of Community Safety**

## **Supporting information to Report**

### **A1. Introduction and history**

- A1.1 Under the terms of the Local Government (Miscellaneous Provisions) Act 1976, a Local Licensing Authority may determine the maximum level of charges to be levied by all Hackney Carriages operating under its control. Fares have been so determined for many years with regular reviews.
- A1.2 A letter has been received on the 13 April 2011 from the Torbay Licensed Taxi Association requesting that a 6% increase to be considered in the current year. This is set out in correspondence attached as Appendix 1. Although the Torbay Licensed Taxi Association represents many in the Hackney Carriage trade, a significant number are not members of the Association.
- A1.3 The proposed request is that, Tariff 1 journeys be charged at £2.50 for the first 470 yards (430 metres) or part thereof, then 15p for each subsequent 141 yards (129 metres), or part thereof. This a reduction from 500 yards (457 metres) to 470 yards (430 metres) and a reduction of 150 yards (137 metres) to 141 yards (129 metres) respectively. Tariff 1 is applicable for all hiring's made between 7 am and 11 pm on any day except Sundays and Bank Holidays.
- A1.4 Tariff 2 journeys to be charged at £3.00 for the first 470 yards (430 metres) or part thereof, which remains the same, then 20p for each subsequent 141 yards (129 metres), or part thereof. This a reduction from 500 yards (457 metres) to 470 yards (430 metres) and a reduction of 150 yards (137 metres) to 141 yards (129 metres) respectively. Tariff 2 relates to journeys at all other times, including night times, Sundays, Bank Holidays, Christmas Eve and New Year's Eve.
- A1.5 The last increase in fares was agreed in May 2008 and came in to force on 1 July 2008 and the details of these current charges are shown in Appendix 2.
- A1.6 It will be necessary to advertise the proposals by way of Public Notice for 14 days and in the event that objections are received, these responses must be considered by the Licensing Sub-Committee before any increase can take effect. If no objections are received then the new fares tariff will commence from 1 July 2011.
- A1.7 There is no right of appeal to the decision.

### **A2. Risk assessment of preferred option**

#### **A2.1 Outline of significant key risks**

There are no significant risks.

### **A3. Options**

- A3.1 The other options are to refuse the fare increase or to ask the Torbay Licensed Taxi Association for additional information, to assist in making a decision.

### **A4. Summary of resource implications**

- A4.1 There are no resource implications for the Council

**A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 There are no equalities, environmental sustainability or crime and disorder issues.

**A6. Consultation and Customer Focus**

A6.1 There has been no public consultation, to date, but one is required as part of the procedures before the fare increase can come in to effect.

**A7. Are there any implications for other Business Units?**

A7.1 There are no significant implications for other business units.

**Appendices**

**Appendix 1** Copy of a letter from Torbay Licensed Taxi Association

**Appendix 2** Summary of Current Charges from 1<sup>st</sup> July 2008

**Documents available in members' rooms**

None

**Background Papers:**

The following documents/files were used to compile this report:

None

Dear Mr Cal

I WAS VOTED AT OUR ANNUAL GENERAL MEETING TO RAISE OUR TARIFF BY 6%

THE YARDAGE ON THE PULL OFF WILL CHANGE FROM 500 yds to 470 yds and THE CLICKS ON 15P AND 20P ON T-1-T-2 WILL MOVE FROM 150 yds to 141 yds. CAN.

I TAKE THIS OPPORTUNITY TO APPLY FOR THIS RAISE FOR TORBAY HACKNEY TAXIS

David Green

Chairman

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**Existing Maximum Hackney  
Carriage Fare Scale as approved  
with effect from 1<sup>st</sup> July 2008:**

Tariff 1 – initial charge of £2.50 for the first 500 yards (457 metres), or part thereof, then 15p for each subsequent 150 yards (137 metres), or part thereof, and waiting time to be charged at 15p for each 40 seconds;

Tariff 2 – Initial charge of £3.00 for the first 500 yards (457 metres), or part thereof, then 20p for each subsequent 150 yards (137 metres), or part thereof, and waiting time to be charged at 18p for each 40 seconds; and

Additional charges – 20p for each additional passenger, 50p call out charge and £50 for any fouling of the hackney carriage. No additional charges will be made for luggage, perambulators, pushchairs, wheeled trolleys or animals.

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Public Agenda Item: **Yes**

Title: **Decisions taken in relation to Licensing Act 2003 applications under delegated powers**

Wards Affected: **All**

To: **Licensing Committee** On: **2 June 2011**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Steve Cox**  
Telephone: **01803 208034**  
E.mail: **Steve.cox@torbay.gov.uk**

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## 1. What we are trying to achieve

- 1.1 To inform Members of the decisions taken in relation to Licensing Act 2003 applications by the Executive Head Community Safety under delegated powers.

## 2. Recommendation(s) for decision

- 2.1 That Members note the decisions made under delegated powers so that they maintain a general overview of the current licensing situation under the Licensing Act 2003.

## 3. Key points and reasons for recommendations

- 3.1 Torbay Council's "Statement of Licensing Policy" (adopted December 2010) details the scheme of delegation under the Licensing Act 2003. This Policy also requires that the Licensing Committee receive regular reports (section 1.19) on delegated decisions so that it can maintain a general overview of the current licensing situation.

**For more detailed information on this proposal please refer to the Supporting Information.**

**Frances Hughes**  
**Executive Head Community Safety**

## Supporting information to Report

### A1. Introduction and history

A1.1 The Licensing Act 2003 came into force on the 24 November 2005. On the 31 March 2011 Torbay Council had 811 Premises Licences/Club Premises Certificates. This is a decrease of 11 on 6 months ago. It should also be noted, that a number of Premises have surrendered their Premises Licences. Up until 31 March 2011 the Licensing Committee has dealt with 497 premises hearings, of which 6 were between 1 October 2010 and 31 March 2011. Additionally up to 31 March 2011, 2347 Personal Licences had been issued, of which 107 had been issued between 1 October 2010 and 31 March 2011.

A1.2 From 1 October 2010 and 31 March 2011, Torbay Council has dealt with the following applications under the Licensing Act 2003.

	<b>Total</b>
Premises/Club Premises Applications – New	17
Premises/Club Premises Applications – Variations	12
Premises/Club Premises Applications – Minor Variations	22
Personal Licences	107
Hearings (Licensing Committee/Sub-Committee)	7
Appeals (to Magistrates Court)	0
Temporary Event Notices	111
Reviews of Licences (Licensing Committee/Sub-Committee)	0
Transfers of Premises Licences/Club Premises Certificates	35
Transfers of Designated Premises Supervisors	67

A1.3 The number of applications, being received by the Licensing and Public Protection Team has remained static at 51 compared to 49 in the previous 6 months. 22 of these were the Minor Variations, an increase of 4, while new applications decreased from 22 to 17. The number of hearings was down from 10 to 7, of which one was a Personal Licence.

A1.4 The number of Personal Licences issued increased from 84 to 107. While the number of Temporary Events Notices, showed a slight decrease from 122 to 111 compared to the last winter period, to which it is comparable.

A1.5 There has been no appeals during the period. There have now been 24 appeals, 7 arising from Review decisions.

A1.6 There were no Reviews made during the period. There have now been 17 Reviews of Premises Licences, the majority instigated by The Police.

A1.7 Transfers of Licences were down a little while Designated Premises Supervisors variations remained similar in number.

A1.8 The general picture is therefore a fairly static picture, however with slight decreases in total number of licences.

## **A2. Risk assessment of preferred option**

### **A2.1 Outline of significant key risks**

There are no risks associated with this report.

## **A3. Options**

A3.1 None, Members cannot change the Officer decisions but need to be appraised of the issues in accordance with the Licensing Policy.

## **A4. Summary of resource implications**

A4.1 There is a fairly static picture, so the income has remained the same.

## **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 There are no equalities or environmental sustainability implications, however one of the Licensing Objectives is the "Prevention of Crime and Disorder", so the work will have a positive impact on reducing this.

## **A6. Consultation and Customer Focus**

A6.1 There is public consultation on all new and variation applications for a 28 day period.

## **A7. Are there any implications for other Business Units?**

A7.1 There are no significant implications for other Business Units, though the Local Children's Safeguarding Board and several teams within Community Safety are consultees on the applications.

## **Annexes**

None

## **Documents available in members' rooms**

None

## **Background Papers:**

The following documents/files were used to compile this report:

None

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Public Agenda Item: **Yes**

Title: **Decisions taken in relation to Gambling Act 2005 applications under delegated powers**

Wards Affected: **All**

To: **Licensing Committee** On: **2 June 2011**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Steve Cox**  
Telephone: **01803 208034**  
E.mail: **Steve.cox@torbay.gov.uk**

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## 1. What we are trying to achieve

- 1.1 To inform Members of the decisions taken in relation to Gambling Act 2005 applications in Torbay by the Executive Head Community Safety under delegated powers.

## 2. Recommendation(s) for decision

- 2.1 That Members note the decisions made under delegated powers so that they maintain a general overview of the current gambling situation under the Gambling Act 2005 in Torbay.

## 3. Key points and reasons for recommendations

- 3.1 Torbay Council's "Gambling Policy Statement" (adopted December 2009) details the scheme of delegation under the Gambling Act 2005. This Policy also requires that the Licensing Committee receive regular reports (Section 9.15) on delegated decisions so that it can maintain a general overview of the current gambling situation in Torbay.

**For more detailed information on this proposal please refer to the supporting information.**

**Frances Hughes**  
**Executive Head Community Safety**

## Supporting information to Report

### A1. Introduction and history

A1.1 The Gambling Act 2005 came into force on 1 September 2007. Torbay Council, as the Licensing Authority are responsible for the Premises Licences issued under the legislation, along with permits for gaming machines in a number of Premises, notably Unlicensed Family Entertainment Centres (UFEC's), Club and Pub Premises. The Gambling Commission are responsible for Operator Licences and Personal Licences.

A1.2 From 30 April 2007, Torbay Council became responsible for the administration and issuing of Premises Licences and UFEC's. Below are the applications dealt with between 1 October 2010 and 31 March 2011.

	<b>Total</b>
Casino Premises Licences – New	0 (1)
Casino Premises Licences – Variation	0
Bingo Premises Licences – New	1 (9)
Bingo Premises Licences – Variation	0
Betting Premises Licences – New	1 (20)
Betting Premises Licences – Variation	0
Adult Gaming Centre Premises Licences – New	0 (25)
Adult Gaming Centre Premises Licences – Variation	0
Family Entertainment Centre Premises Licences – New	0 (3)
Family Entertainment Centre Premises Licences – Variation	0
Unlicensed Family Entertainment Centre Gaming Machine Permit – New	0 (19)
Temporary Use Notices	0
Reviews of Licences (Licensing Committee/Sub-Committee)	0
Hearings (Licensing Committee/Sub-Committee)	0
Appeals (to Magistrates Court)	0

The numbers in brackets are the total number of each type of Premises Licences issued. There have only been two new applications. This is net increase of two Premises Licence overall.

A1.3 In addition to the work above, the Licensing Authority is also responsible for Permits at Clubs and Pubs. At present, 17 Alcohol Licensed Premises gaming Machine Permit (3+ gaming machines) and 175 notifications (1/2 gaming machines) have been granted.

A1.4 At present there are 36 Gaming Registrations for clubs, which are all issued by the Magistrates' Court. These Gaming Registrations last for five years and can be converted into new Permits on expiry. To date 26 of the existing registrations have expired and conversion applications have been received and granted.

## **A2. Risk assessment of preferred option**

### **A2.1 Outline of significant key risks**

There are no risks associated with this report.

## **A3. Options**

A3.1 None, Members cannot change the Officer decisions but need to be appraised of the issues in accordance with Torbay Council's Gambling Policy.

## **A4. Summary of resource implications**

A4.1 There is no significant additional resource implications from routine Gambling Act work, however the demands of the Casino competition preparation work have added significantly to the workload of the team and other Business Units.

## **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 There are no equalities or environmental sustainability implications, however one of the Licensing Objectives is "Preventing Gambling being a source of Crime and Disorder", so the work should have a positive impact on reducing this.

## **A6. Consultation and Customer Focus**

A6.1 There is public consultation on all New and Variation Premises Licence applications for a 28 day period before any licence is granted.

## **A7. Are there any implications for other Business Units?**

A7.1 There are no significant implications for other Business Units, though the Local Children's Safeguarding Board is a consultee on all applications.

## **Annexes**

None

## **Documents available in members' rooms**

None

## **Background Papers:**

The following documents/files were used to compile this report:

None

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Title: **Establishment of Licensing Sub Committee**

Wards Affected: **All Wards**

To: **Licensing Committee** On: **2 June 2011**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **No**

Contact Officer: **Lisa Warrillow**  
☎ Telephone: **01803 207064**  
✉ E.mail: **Lisa.Warrillow@torbay.gov.uk**

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**1. What we are trying to achieve and the impact on our customers**

1.1 To establish a Licensing Sub-Committee to deal with all matters in connection with licensing applications.

**2. Recommendation(s) for decision**

**2.1 That a sub-committee of the Licensing Committee be established to comprise three Members of the Licensing Committee;**

**2.2 that the terms of reference of the sub-committee be to consider and determine all matters in connection with licensing applications (including those set out in the Statement of Licensing Policy and Gambling Act Policy/Statement of Principles);**

**2.3 that the Licensing Sub-Committee be exempted from the rules of committee proportionality as defined in the Local Government and Housing Act 1989 and supporting regulations; and**

**2.4 that the Democratic Services Manager be authorised to empanel Members from the Licensing Committee to serve on the Licensing Sub-Committee as and when required.**

**3. Key points and reasons for recommendations**

3.1 The establishment of a Licensing Sub-Committee at this time will enable the requirements of the Licensing Act 2003 to be implemented as expediently as possible and will comply with prescribed timescales.

**For more detailed information on this proposal please refer to the supporting information attached.**

**Caroline Taylor  
Deputy Chief Executive and Commissioner for Corporate Support**

## **Supporting information to Report**

### **A1. Introduction and history**

A1.1 The Licensing Act 2003 (section 6(1)) states that “each licensing authority must establish a licensing committee consisting of at least ten but not more than fifteen members of the authority”. At the meeting of the Council held on 16 December 2004 (minute 425/12/04 refers), Members considered Report Env/61/04 setting out the recommendations of Licensing Working Party in relation to the new licensing arrangements. The Council agreed to establish a committee comprising 15 Members to carry out the licensing functions of the Council.

A1.2 The Act also provides for the establishment of one or more sub-committees (Section 9(1)), consisting of 3 members of the Committee. The committee may arrange to delegate any of its functions to the sub-committees, and the sub-committees may in turn delegate the functions concerned to an officer of the licensing authority (subject to certain exemptions).

A1.3 In order to expedite the Licensing Authority’s functions, it would be preferable for all new and existing licensing functions of the Council to be delegated to sub-committees. The Licensing Committee would therefore in practice only meet twice a year to consider:

- Regular reports on decisions made by officers;
- Any information it wishes to pass to the Development Control Committee;
- Reports on the needs of the local tourist economy; and
- Reports on the local employment situation
- Reports on changes to licensing policy e.g. Licensing, Gambling, Taxi etc.

A1.4 The sub-committee would therefore deal with the majority of licensing matters. Given the frequency of meetings of the sub-committee, it may not always be possible to secure membership which is politically balanced. It is proposed that the composition of the sub-committee should not be governed by political balance. Any decision to waive the political balance will require a resolution of the Licensing Committee with no Member voting against.

### **A2. Risk assessment of preferred option**

#### **A2.1 Outline of significant key risks**

A2.2 The legislation in respect of applications and notices under the Licensing Act 2003 requires a very short timescale in which some matters must be decided. Failure to appoint a Licensing Sub-Committee will cause difficulties in meeting such timescales and will require the full Committee or the Council to make required decisions with associated resource implications.

### **A3. Options**

A3.1 It is the intention that the sub-committee would be appointed by the Licensing Committee. The sub-committee does not have to have a fixed membership,

providing all three of the Members are drawn from the parent Licensing Committee. The Council could determine to appoint the sub-committees.

#### **A4. Summary of resource implications**

A4.1 Costs associated with the operation of the sub-committee will be met from existing budgets.

#### **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 There are no equalities or environmental sustainability implications, however one of the Licensing Objectives is the 'Prevention of Crime and Disorder', so the work should have a positive impact on reducing this.

#### **A6. Consultation and Customer Focus**

A6.1 The legislation associated with licensing and gambling requires stipulated procedures to be followed, including the right to personal attendance and representation for the parties to a contentious matter. A Sub-Committee facilitates the necessary and required discussion of the issues more favourably than the full committee.

#### **A7. Are there any implications for other Business Units?**

A7.1 There are no significant implications for other business units.

#### **Appendices**

None

#### **Documents available in members' rooms**

None

#### **Background Papers:**

The following documents/files were used to compile this report:

Licensing Act 2003

Gambling Act Policy/Statement of Principles