

Southern Area Committee

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REPORT

New Licensing Regime – Licensing Committee

1. Purpose of report:

The purpose of this report is to ask this committee to appoint its members to the Licensing Committee.

2. Background

At its meeting on the 3rd March 2004 Cabinet recommended to Council that a Licensing Committee of 15 members be set up to deal with applications under the new licensing regime that is anticipated to come into effect later this year. The recommendation was approved at the Council meeting on 29th March 2004. Members are referred to the Cabinet report annexed to this report for details concerning the new regime and the need for a stand alone licensing committee.

At the time of writing this report the draft guidance to be published pursuant to the Licensing Act 2003 has been put before Parliament for approval. The Committee will be updated as to progress at the meeting.

3. Appointment of Members of the Licensing Committee

The committee is requested to appoint 3 members to the Licensing Committee

Background Papers:

None

4. Implications:

You must complete the following:

- **Financial:** The committee is included within the Members' Allowance Scheme.
- **Legal:** Included in the report and its annex
- **Human Rights:** None in relation to this report
- **Personnel:** None in relation to this report
- **Community Safety:** None in relation to this report
- **Environmental implications:** None in relation to this report
- **Council's Core Values:** Excellent service
- **Wards Affected:** All wards within the area.

REPORT

Cllr Brown Cabinet Member for Environment & Transportation

LICENSING ACT 2003 – ESTABLISHMENT OF A LICENSING COMMITTEE

1. Purpose of the Report

The purpose of this report is to recommend to full Council the setting up of a Licensing Committee and sub committees pursuant to the Licensing Act 2003 (the Act)

2. Background

- 2.1 Since the previous report to Cabinet the Act has received Royal Assent and is now law. However the guidance due to be published by the Department of Culture, Media and Sport is still awaited. Therefore the new licensing regime is not yet in force.
- 2.2 Section 7 of the Act provides that “each licensing authority must establish a licensing committee consisting of at least ten, but no more than fifteen, members of the authority”. The legislation is such that the committee is only able to deal with licensing and licensing related matters. Therefore a stand alone licensing committee is required.
- 2.3 The licensing regime will be new to members and officers and therefore all members of the committee and officers will have to receive training before it is in force and applications are received. Once the guidance has been issued the Council will only have six months in which to consult and adopt its Licensing Policy and also to carry out the training.
- 2.4 Following the initial six month consultation period there will be a further transitional period of at least six months during which holders of existing licences will have to apply for the new style licenses. It is likely that all local authorities will be flooded with applications at the start of this period. There are strict time limits for dealing with these applications.
- 2.5 The new regime will not only encompass premises that currently have liquor and/or public entertainment licenses but also cinemas, theatres and premises selling hot food after 11 pm. Applications will have to be decided with regard to the licensing procedures and the Council’s adopted Licensing Policy.

3. Proposed Licensing Committee

- 3.1 In view of the short length of time available once the guidance is issued the officers consider that it is appropriate to set up the Licensing Committee now so that once the guidance is available training can start.
- 3.2 The committee is to be set up under the Act and not the Local Government Act 1972. Therefore it does not have to be politically balanced. This means that members can be appointed on an area basis.

- 3.3 In addition Section 9 provides that a licensing committee may set up one or more sub-committees consisting of three members. In view of the anticipated number of applications to be received as soon as the new regime is in force setting up sub committees will be essential.
- 3.4 As indicated above the number of members on a licensing committee must be between ten and fifteen. The officers consider that the appropriate number would be fifteen with six members from the City area and three each from the other areas. This split is suggested since the City area has the largest number licensed of premises. It also has a larger number of members than the other area.
- 3.5 Bearing in mind the number of sub-committees that are likely to be needed at the start of the new regime fifteen members would provide a large pool from which to form the sub committees that will be needed.
- 3.6 The Act provides for the Secretary of State to make regulations governing matters such as the proceedings at meetings, public access, publicity and agendas and records. To date no such regulations have been made. It is not known therefore whether, for example, the five day rule for publication of the agendas will apply to these meetings. Once the regulations have been published the Council will have to incorporate their provisions into the rules of procedure.
- 3.7 Once the guidance has been issued the Council will know the timetable for the introduction of the new regime. It is intended that at that time a further report will address the terms of reference of the Licensing Committee and the impact on other committees of the Council.

4. Proposed Sub committees

- 4.1 It is not yet known how often sub committees will have to meet but the expectation is that it will be at least once a week to start with. Some of the larger authorities anticipate holding meetings on an almost daily basis such is their expected level of applications. Therefore it is suggested that rather than set up specific sub committees the system used for Housing Benefit Review Panels be adopted, namely officers select three members from the committee to sit as and when needed.
- 4.2 Each sub committee will hear a number of applications. It is unlikely that they will relate to only one area of the district as they will have to be dealt with in chronological order to ensure that the strict time limits can be adhered to. However officers will group the applications together on an area basis as far as they can. On this basis therefore officers will try and ensure that the members of the sub committees reflect the area(s) to which the applications relate. However this cannot be guaranteed, particularly in the early days, because of the number of applications and because officers will wish to try and ensure that members are asked to attend similar numbers of meetings so that no one member is overburdened.

5. Recommendations:

It is recommended to Council that:

1. The Council establishes a Licensing Committee of fifteen members with six members being drawn from the City area and three each from the other areas.
2. Licensing applications be determined by sub committees of three members to be drawn from the membership of the Licensing Committee as and when a sub committee is needed.
3. The Council notes that a further report will deal with the terms of reference of the Licensing Committee and the impact on other committees of the Council once the guidance has been issued and the Council knows the timetable for the introduction of the new regime

6. Background Papers:

None

7. Implications:

- **Financial:** The licensing function will have significant financial implications in the future, at present these are assumed to be cost neutral. The setting up of the Licensing Committee is part of this equation, however it does not have a significant financial implication in itself.
- **Legal:** The requirement to set up a Licensing Committee is set out in the Licensing Act 2003.
- **Human Rights:** None in relation to this report.
- **Personnel:** It is likely there will be human resource capacity issues. It is anticipated that additional staff will be required in Environmental Health Services, Democratic Services and Legal Services to deal with the administration of the applications and also provide support to the Licensing sub committees and consideration should, therefore, be given to whether any additional employment contracts are offered on a permanent or temporary basis. It is expected that the staffing needs will decrease significantly after the initial flood of applications. 'and consideration should, therefore, be given to whether any additional employment contracts are offered on a permanent or temporary basis'
- **Community Safety:** None in relation to this report
- **Environmental:** None in relation to this report
- **Council's Core Values:** Excellent Service
- **Wards Affected:** All