

Report to Licensing Committee

23 September 2021

Subject:	Appointment to Licensing Sub Committees
Director:	Surjit Tour Director of Law and Governance and Monitoring Officer
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1 Recommendations

- 1.1 To make changes to the appointment to Sub Committees to reflect changes in membership approved at Council on 26 July 2021 and to reflect the Vice Chair vacancy, including nomination of the Vice Chair to Sub Committee 2, once an appointment has been made by full Council.




2 Reasons for Recommendations

- 2.1 Further to Minute No. 4/21 (7 June 2021), at the Council meeting on 26 July 2021, a change to the appointment of members to the Licensing Committee was approved and it has therefore become necessary to revise the appointment to the Licensing Sub Committees. There is also a Vice Chair vacancy and, pending appointment, the Chair will sit over two sub committees. Once a replacement has been approved by full Council, the Vice Chair will oversee Sub Committee 2.
- 2.2 Under the provisions of the Licensing Act 2003, the Licensing Committee may establish one or more Licensing Sub Committees to assist in the discharge of the licensing functions under the Licensing Act, 2003. Further such functions of the Gambling Act, 2005 may also be discharged by those Sub Committees.



- 2.3 The Licensing Act 2003 specifies that each Sub Committee shall consist of three members of the Licensing Committee. The Council at its meeting on 25 May 2021 appointed a Licensing Committee comprising 15 members, including one Chair and two Vice Chairs.

3 How does this deliver objectives of the Corporate Plan?

	<p>The Licensing Act 2003 has four licensing objectives which are highly pertinent to the Council's Corporate Plan these being:-</p>
	<p>(a) the prevention of crime and disorder;</p>
	<p>(b) public safety;</p>
	<p>(c) the prevention of public nuisance;</p>
	<p>(d) the protection of children from harm.</p>
	<p>Similarly, the Gambling Act 2005 has three licensing objectives, as follows:-</p> <p>(a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;</p> <p>(b) Ensuring that gambling is conducted in a fair and open way;</p> <p>(c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.</p>

4 Context and Key Issues

The Licensing Sub Committees are appointed under the provisions of the Licensing Act, 2003 and are therefore not subject to the proportionality requirements of the Local Government and Housing Act 1989. However, other licensing functions will be subject to proportionality.

For 2021/22, the proportionality provisions will apply, when considering licensing functions other than those under the provisions of the Licensing Act 2003, and seats have been allocated to the Sub Committees accordingly.



5 Alternative Options

- 5.1 There is no alternative option, the functions sit within the remit of the Licensing Committee.

6 Implications

Legal and Governance:	<p>Section 3 of the Licensing Act 2003 provides that the Council is a Licensing Authority and as such the Council must carry out its functions under the Licensing Act, 2003. Under Section 6 of the Licensing Act, 2003 each Licensing Authority must establish a licensing committee consisting of at least ten, but not more than fifteen, members of the authority. Section 9 of the Licensing Act, 2003 states that a licensing committee may establish one or more sub-committees consisting of three members of the committee, and Section 10 provides that the committee may arrange for the discharge of any functions exercisable by it by a sub-committee established by it, or an officer of the licensing authority.</p> <p>Section 2 of the Gambling Act 2005 further states that the Council is a licensing authority. The Gambling Act 2005 places a duty on the Council to undertake the licensing functions specified in the Act. Section 154 of the Gambling Act 2005 provides that all decisions, subject to exceptions, relating to premises licences are delegated to the licensing committee of the authority that has been established under Section 6 of the Licensing Act, 2003. Section 154(3) of the Gambling Act, 2005 states that Section 10 of the Licensing Act 2003 shall apply in relation to a function delegated to a licensing committee as they apply in relation to a function delegated under that Act.</p> <p>The 2003 Act and the 2005 Act allow the Licensing Committee to arrange for the discharge of any of its functions by a Sub-Committee or by an Officer of the Licensing Authority. Arrangements may provide for more than one sub-committee or officer to discharge the same functions concurrently.</p>
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7. Appendices

Appointment to Sub Committees
Terms of Reference

8. Background Papers

None

