

**Title of Report :** LICENSING ACT 2003 – APPOINTMENT OF SUB-COMMITTEES

**Report of :** Head of Legal and Democratic Services

**To :** Licensing Act 2003 Committee

**Date :** 18<sup>th</sup> May 2006 **Item No:** 6

**Purpose of report :** To establish Licensing Casework Sub-Committees for the 2006/07 Council Year to deal with casework flowing from the Council's responsibilities under the Licensing Act 2003.

**Recommendation(s) :** The Committee is RECOMMENDED to:-

- (a) appoint as many Casework Licensing Sub-Committees of three members as there are combinations of three members in the total number of members of the Committee;
- (b) agree that the Sub-Committees' powers and duties be as set out in the Annex to this report.

**decision :** No

**Portfolio Holder :**

**Scrutiny Responsibility :** Not applicable

**Ward(s) affected :** All

**Report Approved by :** Daniel Smith – Legal Services

**Policy Framework :** None

1. Last year the Committee appointed Casework Licensing Sub-Committees to discharge licensing casework under the Licensing Act 2003. All licensing authorities must establish a Licensing Committee under the 2003 Act. The Licensing Committee may appoint one or more Sub-Committees, for example to deal with licensing casework, (i.e. applications for licences of one or another under the Act). The Sub-Committees must consist of no more and no less than 3 members. Neither the Sub-Committees nor this Committee need to be politically balanced.

2. The amount of licensing casework should be less this year than last year. Last year saw the transition for licensing from the magistrates to local authorities, and entailed much work. Nevertheless, in order to spread the work across members of the Licensing Act 2003 Committee, the Committee might wish to appoint as many Sub-Committees as there are combinations of three members in the total number of members of the Committee. In that way any three members will constitute a Sub-Committee.

3. The powers and duties of the Sub-Committees established last year were as set out in the Annex to this report. The Committee is being recommended to agree the same powers and duties this year for the Sub-Committees with addition of responsibility for determining Amusement with Prizes gaming machine permit applications (see the separate report on this agenda). Dates of meetings of the Sub-Committees, if there is business to warrant holding a meeting, have been agreed for every three weeks commencing on 23<sup>rd</sup> May. All of the meetings will start at 9.30 am. (Note that there is a need for a Sub-Committee meeting on 23<sup>rd</sup> May).

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**LICENSING ACT 2003 COMMITTEE**

**Powers and Duties of Casework Licensing Sub-Committees**

1. To decide upon the grant or variation or transfer of premises licences or club registration certificates if a relevant representation to an application for such a licence or certificate has been made and is unwithdrawn.
2. To decide a review following a closure order in a case where relevant representations have been made and not withdrawn.
3. To decide upon the grant of a provisional statement if a relevant representation to an application for such statement has been made and not withdrawn.
4. To decide upon an application to vary a designated premises supervisor or for interim authorities if a Police objection to such an application has been made and not withdrawn.
5. To decide upon the grant or renewal of a personal licence if a Police objection to an application for such a licence is made and not withdrawn.
6. To revoke a personal licence where convictions come to light after grant or renewal of the licence.
7. To decide upon an application to review a premises licence or club premises certificate where relevant representations have been made and not withdrawn.
8. To decide upon the review of a premises licence or club premises certificate following a closure order.
9. To decide upon a police objection to an interim authority notice.
10. To decide to give an counter notice following Police objection to a temporary event notice.
11. To decide whether to object when the Authority is a consultee and not the relevant licensing authority considering the application.
12. **Determination of Amusements with Prizes gaming machine permits (precise wording to await decisions on the report on this subject elsewhere on this agenda).**