

BRIDGEND COUNTY BOROUGH COUNCIL

LICENSING COMMITTEE

19 MAY 2009

**REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND
REGULATORY SERVICES**

LICENSING COMMITTEES AND SUB-COMMITTEES

1. Purpose of Report

- 1.1 To propose the delegation of licensing functions to the Licensing Sub-Committees.

2. Background

- 2.1 At their meeting on 13 May 2009, Council received a report relating to the size and terms of reference of the Licensing Committee, the appointment of the Chairperson, Vice-Chairperson and Members of the Committee.
- 2.2 Council and the Committee has previously approved delegation of functions to Sub-Committees in order to discharge the Council's varied responsibilities as a licensing authority and it is proposed that the current structure of Licensing Sub-Committees is broadly retained as follows:
- 2.2.1 Two Licensing Sub-Committees of seven Members to be formed to be known as Licensing Sub-Committee A and B, with fixed membership; the Chairperson and Vice-Chairperson of the Licensing Committee to act as Chairperson of Licensing Sub-Committees A and B respectively. These Sub-Committees would undertake all general licensing functions, including taxi licensing, with the exception of those falling within the purview of the Licensing Act 2003 and the Gambling Act 2005 which have specific legal requirements relating to the formation of Sub-Committees.
- 2.3 Sections 6 and 7 of the Licensing Act 2003 require that most matters, including the delegation of functions are approved by the Licensing Committee and it is therefore the responsibility of this Committee to determine and approve the establishment of Sub-Committees. Similarly, by virtue of Section 154 of the Gambling Act 2005 the Committee may regulate proceedings and Sub-Committees required to discharge the licensing authority functions relating to gambling. The Licensing Committee may therefore establish one or more Sub-Committees consisting of three members of the Committee to determine applications.

Meetings of these Sub-Committees will be called on an ad hoc basis and their frequency will be dependent on the number of contentious applications received. It is proposed that two further Sub-Committees of three Members of the Committee are established chaired by either the Chairperson or Vice Chairperson each sitting with two Members from the Committee attending on a rota basis.

- 2.4 Further proposals include provision to cover circumstances where the Chairperson and/or Vice-Chairperson are unable to attend meetings of the Licensing Sub-Committee to allow a Chairperson to be elected from the remaining panel of Licensing Committee Members.

3. Financial Implications

- 3.1 There are no financial implications to the proposals.

4. Legal Implications

- 4.1 The proposals are required to effectively discharge the functions of the authority under the Licensing Act 2003 and Gambling Act 2005 and the general licensing functions delegated to the Licensing Committee.

5. Recommendations

- 5.1 The Committee is recommended to:
- 5.2 Approve the formation of two Licensing Sub-Committees each comprising seven Members to be known as Licensing Sub-Committees A and B;
- 5.3 Approve that the Chairperson and Vice-Chairperson of the Licensing Committee be appointed to chair Licensing Sub-Committees A and B respectively;
- 5.4 Receive nominations and appoint Members to Licensing Sub-Committees A and B respectively;
- 5.5 Approve the formation of two further Sub-Committees consisting of three Members of the Licensing Committee, to determine applications under the Licensing Act 2003 and Gambling Act 2005. Each Sub-Committee to be chaired by either the Chairperson or Vice-Chairperson of the Licensing Committee sitting with two Members of the Licensing Committee attending on a rota basis.
- 5.6 Approve that in the event of the Chairperson and/or Vice-Chairperson being unable to attend any meetings of the Licensing Sub-Committees, that a Chairperson may be elected from the remaining panel of Licensing Committee Members.

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Background documents:

Council Constitution
Council Scheme of Delegation of Functions
Licensing Act 2003 and statutory guidance
Gambling Act 2005 and statutory guidance