

MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD IN COMMITTEE ROOM 2/3, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON THURSDAY, 9 MAY 2013 AT 10.00AM

Present:

Councillor R Williams - Chairperson

<u>Councillors</u>	<u>Councillors</u>	<u>Councillors</u>
N Clarke	P James	G Thomas
P A Davies	H E Morgan	E Venables
G W Davies	D G Owen	R Williams
E Dodd		

Officers:

Y Witchell	-	Licensing and Registration Officer
K Watson	-	Legal Officer
J Monks	-	Democratic Services Officer - Committees

22 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members for the reasons so stated:

Councillor R D Jenkins	-	Holiday
Councillor P N John	-	Attending a funeral
Councillor D R W Lewis	-	Holiday

23 DECLARATIONS OF INTEREST

None.

24 MINUTES OF PREVIOUS MEETINGS

RESOLVED: That the minutes of meetings of the Licensing Committee held on the 14th February and the 3rd April 2013 were approved as a true and accurate record.

25 POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011 - DESIGNATION OF OFFICERS TO ACT ON THE COUNCIL'S BEHALF AS A RESPONSIBLE AUTHORITY UNDER THE LICENSING ACT 2003

The Licensing and Registration Officer presented a report to seek approval to delegate a Licensing Authority function to Officers, which would enable them to carry out the function of a Responsible Authority on behalf of the Licensing Committee. The Licensing Act provides for the Council to delegate all licensing functions to the Committee, with the exception of the approval of the Statement of Licensing.

One of the legislative changes under the Government's agenda of 'Rebalancing the Licensing Act' was to give local authorities, as Licensing Authorities, greater powers and flexibility to become Responsible Authorities in their own right. It was therefore necessary to set up a framework to discharge this function, which would operate on two separate levels to ensure that the Authority acts with full regard to the statutory guidance, in order to ensure procedural fairness and eliminate any possible conflicts of interest.

Firstly, it was proposed that the function of Responsible Authority Officer be delegated to the two posts of Licensing Enforcement Officers. As they do not have delegated powers to determine and issue licences, there would be a proper separation of responsibilities in place.

Secondly, it was proposed that the Licensing and Registration Officer and the Senior Licensing Assistant also be designated as Responsible Authority Officers with a view to only seeking representations in order to provide Members with specialist licensing information on policy matters, drafting and re-drafting of conditions, and acting as mediator between other Responsible Authorities and the applicant, to make sure all relevant information is brought to light before an application is determined.

These two proposals would result in maintaining a distinction between the two functions, resulting in complete transparency. If necessary, written procedures could be put in place.

The Licensing and Registration Officer explained that representations were currently made by the Responsible Authorities named in paragraph 3.4 of the report. As soon as any representations are received the Licensing Officers try to encourage mediation between whoever is making representations and the applicant, often resulting in a resolution before it reaches the Licensing Committee. Non-contentious matters are dealt with directly by the Licensing Officers. The Legal Officer advised that currently the Council has to rely on other Responsible Authorities, such as the Police, to make representations if they object to something in an application.

The Licensing and Registration Officer explained that the Police would look at an application from a crime and disorder point of view, whereas the Licensing Officers would take an overview stance to ensure everything in the application was considered by all parties rather than on an individual basis.

The Licensing and Registration Officer explained that in the first instance, an application would be assessed by the Licensing Officers, after which the separation of powers would occur. She assured Members that the Licensing Enforcement Officers would not have the power to determine an application

In response to a question from Members, the Licensing and Registration Officer explained that all elected Members in their own right had the power to make representation on behalf of a constituent if it affected their Ward, or review an application for a premises licence themselves.

One Member asked if there was an extra cost involved in the proposed delegated function, and if the Licensing officers would be able to cope.

The Licensing and Registration Officer advised that there was no additional cost involved and the Officers involved already undertook assessments of the applications and did not feel any additional burden would be placed on the section.

RESOLVED: That the Committee approved the proposal to delegate the function of a Responsible Authority Officer to act on behalf of the Licensing Authority to the following post holders:

Licensing and Registration Officer
Senior Licensing Assistant
Licensing Enforcement Officers - two post holders.

The meeting closed at 10.30am.