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Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

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**Gwasanaethau Gweithredol a Phartneriaethol /
Operational and Partnership Services**

Deialu uniongyrchol / Direct line /: 01656 643147
Gofynnwch am / Ask for: Andrew Rees

Ein cyf / Our ref:
Eich cyf / Your ref:

Dyddiad/Date: 17 May 2017

Dear Councillor,

LICENSING ACT 2003 COMMITTEE

A meeting of the Licensing Act 2003 Committee will be held in the Committee Rooms 2/3, Civic Offices Angel Street Bridgend CF31 4WB on **Tuesday, 23 May 2017 at 10.15 am.**

AGENDA

1. Apologies for Absence
To receive apologies for absence from Members
2. Declarations of Interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members Code of Conduct adopted by Council from 1 September 2008
3. Approval of Minutes 3 - 4
To receive for approval the minutes of the Licensing Act 2003 Committee of 24 May 2016
4. Licensing Act 2003 and Gambling Act 2005 - Delegation of Functions 5 - 8

Yours faithfully

P A Jolley

Corporate Director Operational and Partnership Services

Councillors:

SE Baldwin
RJ Collins
PA Davies
DK Edwards
T Giffard

Councillors

RM James
B Jones
MJ Kearn
DRW Lewis
JE Lewis

Councillors

DG Owen
AA Pucella
G Thomas
JE Williams

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MINUTES OF A MEETING OF THE LICENSING ACT 2003 COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 24 MAY 2016 AT 10.30 AM

Present

Councillor – Chairperson

GW Davies MBE	PA Davies	E Dodd	P James
RM James	PN John	DRW Lewis	JE Lewis
HE Morgan	DG Owen	D Patel	E Venables
R Williams			

Apologies for Absence

CJ James

Officers:

Katie Brook	Senior Licensing Technical Officer
Andrea Lee	Senior Lawyer
Andrew Rees	Senior Democratic Services Officer - Committees
Yvonne Witchell	Team Manager Licensing

1. DECLARATIONS OF INTEREST

None.

2. LICENSING ACT 2003 AND GAMBLING ACT 2005 - DELEGATION OF FUNCTIONS

The Team Manager Licensing reported on proposed arrangements for the authorisation of offices under the Licensing Act 2003 and Gambling Act 2005 and to confirm arrangements for the formation of Sub-Committees following the Annual Meeting of Council which took place on 18 May 2016.

The Team Manager Licensing informed the Committee that Section 9 of the Licensing Act 2003 provides that a licensing committee may establish one or more sub-committee consisting of three members of the committee. Whilst Section 10 of the Licensing Act 2003 allows for the sub-delegation of functions by a licensing committee to a sub-committee established by it, or subject to certain restrictions, to officers. She stated that authorisations had been previously been granted, but need updating to reflect changes to job titles following the establishment of the Shared Regulatory Service and change in the service department name. The Team Manager Licensing also stated that the delegation of functions for the Gambling Act 2005 is delegated to the Licensing Act 2003 Committee established for the purposes of the Licensing Act 2003.

The Team Manager Licensing reported on a proposal to delegate the responsibility for authorising offices to administer the requirements of the Licensing Act 2003 and Gambling Act 2005, to the Corporate Director Operational and Partnership Services and to the Head of Regulatory and Partnership Services, and for the Corporate Director Operational and Partnership Services to institute proceedings under those Acts.

The Team Manager Licensing also reported that where appropriate, the Corporate Director Operational and Partnership Services, the Head of Regulatory and Partnership Services, the Team Manager Licensing (Bridgend and Vale) and the Senior Licensing Officer (Technical) be authorised to acknowledge and issue Notices relating to

Temporary Event Notices; to issue, refuse, suspend licences , registrations, certificates, permits and notices, to implement the relevant provisions in respect of offences, reviews or other requirements; pursuant to any of the rules , regulations and / or Orders made under the Licensing Act 2003 and Gambling Act 2005 (as amended). She stated that the authorisation in respect of her role as Team Manager Licensing (Bridgend and Vale) and the Senior Licensing Officer (Technical) would only take effect when they are made available to Bridgend County Borough Council in accordance with section 113 of the Local Government Act 1972.

The Team Manager Licensing sought approval of the existing arrangement of the formation of further Sub-Committees consisting of three Members of the Licensing Act 2003 Committee to determine applications under the Licensing Act 2003 and Gambling Act 2005. It was proposed that the Licensing Act 2003 Sub-Committees are chaired by the Chairperson or Vice Chairperson of the Licensing Act 2003 Committee where possible and in the event that the Chairperson or the Vice-Chairperson were not able to attend their respective Sub-Committee meeting, a chair will be elected from those in attendance. She requested the Committee note that approval of both the licensing and gambling policy statements must, by statute, be determined by Council.

RESOLVED:

- (1) That the Committee exercised its delegated authority to authorise the Corporate Director Operational and Partnership Services to institute proceedings under the above-mentioned Acts.
- (2) That the Committee exercised its delegated authority to authorise the Corporate Director Operational and Partnership Services, the Head of Regulatory and Partnership Services, the Team Manager Licensing (Bridgend and Vale) and the Senior Licensing Officer (Technical) to acknowledge and issue Notices relating to Temporary Event Notices; to issue, refuse, suspend licences , registrations, certificates, permits and notices, to implement the relevant provisions in respect of offences, reviews or other requirements; pursuant to any of the rules , regulations and / or Orders made under the Licensing Act 2003 and Gambling Act 2005 (as amended).
- (3) That the Committee exercised its delegated authority and approved the arrangements for the formation of Sub-Committee as set out.

3. **URGENT ITEMS**

There were no urgent items.

The meeting closed at 10.40 am

BRIDGEND COUNTY BOROUGH COUNCIL

23 MAY 2017

LICENSING ACT 2003 COMMITTEE

REPORT OF THE CORPORATE DIRECTOR OPERATIONAL AND PARTNERSHIP SERVICES

LICENSING ACT 2003 AND GAMBLING ACT 2005 DELEGATION OF FUNCTIONS

1. Purpose of Report.

- 1.1 To set out proposed arrangements for the authorisation of officers under the Licensing Act 2003 and Gambling Act 2005 and to confirm arrangements for the formation of sub-committees following the Annual Meeting of Council 2017.

2. Connection to Corporate Improvement Plan / Other Corporate Priority.

- 2.1 Approval is required so the authority may effectively discharge its functions under the Licensing Act 2003 and Gambling Act 2005.

3. Background.

- 3.1 Section 9 of the Licensing Act 2003 provides that a licensing committee may establish one or more sub-committees consisting of three members of the committee. At their meeting on 17 May 2017 Council received a report establishing the membership of the Licensing Act 2003 Committee.
- 3.2 Section 10 of the Licensing Act 2003 allows for the sub-delegation of functions by a licensing committee to a sub-committee established by it, or subject to certain restrictions, to officers. Authorisations have previously been approved by Committee but need to be updated to reflect changes to job titles following the establishment of the Shared Regulatory Service and change in the service department name.
- 3.3 The delegation of functions for the Gambling Act 2005 is delegated to the Licensing Act 2003 Committee established for the purposes of the Licensing Act 2003.
- 3.4 The legislation and statutory guidance set out those circumstances where decisions may not be undertaken by officers and these are generally where representations or objections have been made in respect of personal or premises licence applications.

4. Current situation / proposal.

- 4.1 In the interests of effective performance it is proposed to delegate the responsibility for authorising officers to administer the requirements of the Licensing Act 2003 and Gambling Act 2005, to the Corporate Director Operational and Partnership Services, and for instituting proceedings under those Acts.
- 4.2 It is also proposed that, where appropriate, the Corporate Director of Operational Partnership Services, Team Manager Licensing (Bridgend and the Vale) and the Senior Licensing Officer (Technical) be authorised to acknowledge and issue Notices relating to Temporary Event Notices; to issue, refuse, suspend licences, registrations, certificates, permits and notices, to implement the relevant provisions in respect of offences, reviews or other requirements; pursuant to any of the rules, regulations and/or Orders made under the Licensing Act 2003 and Gambling Act 2005 (as amended). The authorisation in respect of the Team Manager Licensing (Bridgend and Vale) and the Senior Licensing Officer (Technical) will only take effect when they are made available to Bridgend County Borough Council in accordance with section 113 of the Local Government Act 1972.
- 4.3 The Committee is asked to approve the existing arrangement of the formation of further Sub-Committees consisting of three Members of the Licensing Act 2003 Committee to determine applications under the Licensing Act 2003 and Gambling Act 2005. The Committee is asked to note that approval of both the licensing and gambling policy statements must, by statute, be determined by Council. It is proposed that the Licensing Act 2003 Sub-Committees are chaired by the Chairperson or Vice Chairperson of the Licensing Act 2003 Committee where possible. In the event that the Chair or Vice Chair are not able to attend, a chair person will be elected.
- 4.4 In the event that the Chair or Vice Chair is not able to attend their respective sub-committee meeting, a chair will be elected from those in attendance.

5. Effect upon Policy Framework & Procedure Rules.

- 5.1 None.

6. Equality Impact Assessment.

- 6.1 A full Equality Impact Assessment has not been undertaken as there are no implications in relation to age; disability; gender and transgender; race; religion or belief and non-belief; sexual orientation on this matter.

7. Financial Implications.

- 7.1 None

8. Recommendation.

- 8.1 It is recommended that the Committee exercise its delegated authority to authorise the Corporate Director Operational and Partnership Services to institute proceedings under the above-mentioned Acts.
- 8.2 It is recommended that the Committee exercise its delegated authority to authorise the Corporate Director Operational Partnership Services and the Senior Licensing Officer (Technical) to acknowledge and issue Notices relating to Temporary Event Notices; to issue, refuse, suspend licences, registrations, certificates, permits and notices, to implement the relevant provisions in respect of offences, reviews or other requirements; pursuant to any of the rules, regulations and/or Orders made under the Licensing Act 2003 and Gambling Act 2005 (as amended).
- 8.3 It is recommended that the Committee exercise its delegated authority and approve the arrangements for the formation of Sub-Committees set out in paragraphs 4.3 and 4.4 above.

P A Jolley
Corporate Director - Operational and Partnership Services

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Team Manager Licensing Bridgend and the Vale

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Background documents

Report to Council 17 May 2017

Section 182 Guidance issued in association with the Licensing Act 2003 available at www.homeoffice.gov.uk

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