

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING COMMITTEE

22 May 2018

**REPORT OF THE CORPORATE DIRECTOR OPERATIONAL AND
PARTNERSHIP SERVICES**

**APPOINTMENT OF LICENSING SUB- COMMITTEE(S) AND DELEGATIONS TO
OFFICERS**

1. Purpose of Report.

- 1.1 To propose the membership of the Licensing Committee Sub-Committees following the Annual Meeting of Council 2018.
- 1.2 To amend the delegations to officers in respect of those cases reported to Sub-Committees

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 The proposals are required to effectively discharge the functions of the authority in respect of general licensing applications, the majority of which relate to taxi licensing. The range of functions is set out within the Council's Constitution in Part 3 Responsibility for Functions relating to the Licensing Committee and Sub-Committees. These functions include taxi licensing, street trading, and other general licensing regimes as required. A separate report is being submitted in respect of Licensing Act 2003 and Gambling Act 2005 functions.

3. Background.

- 3.1 At their meeting on 16 May 2018 Council received a report establishing the membership of the Licensing Act 2003 Committee and the Licensing Committee.

4. Current situation / proposal.

- 4.1 It is proposed that the Licensing Committee continue with the existing arrangements and approve the formation of two panels sitting on a rota basis each consisting of seven Members of the Licensing Committee and chaired by the Chairperson and Vice Chairperson of the Licensing Committee where possible.

- 4.2 In the event that the Chair or Vice Chair are not able to attend their respective sub-committee meeting, a chair will be elected from those in attendance.
- 4.3 Committee is also requested to consider amending the guidelines for referring cases to Sub-Committee, in the interests of administrative efficiency. The Committee has adopted a Statement of Policy regarding the relevance of convictions and licensing of ex-offenders and has previously issued guidelines for which cases should be referred to a Sub-Committee on the grant of a licence. This has resulted in applicants being referred to Sub-Committee with convictions falling well outside policy guidelines, for example if committed as a juvenile. The current policy states that the following cases may be dealt with under the Scheme of Delegation:
- 4.3.1 **Current Paragraph 8.2**
Grant of Licence: Clear Criminal Records Bureau (CRB) Disclosure and no endorsements on DVLA driving licence:
- 4.3.2 It is therefore proposed that the guidelines permit officers to determine all applications which do not trigger the policy guidelines. For example, the policy relating to dishonesty states that any conviction for serious fraud or theft within the past five years will normally merit refusal of licence. At present the guidelines require that all cases of fraud are referred to a Sub-Committee irrespective of the age of the conviction. Under this proposal the Sub-Committee would determine those cases where there is a conviction within five years of application. This principle would apply to all categories of conviction within the policy. The proposed amendment to Paragraph 8.2 of the policy is therefore as follows:

Proposed Paragraph 8.2

Grant of Licence: Referred to Sub-Committee if conviction falls within the policy guidelines set out in the Statement of Policy regarding the relevance of convictions and licensing of ex-offenders.

- 4.3.3 This matter does not require formal consultation with the trade as it relates to the delegations and administrative processes of the Council.

5. Effect upon Policy Framework & Procedure Rules.

- 5.1 The report content has no direct effect upon the Policy Framework and Procedure Rules.

6. Equality Impact Assessment

- 6.1 There are no equality implications arising from this report.

7. Financial Implications.

7.1 There are no financial implications to the proposals.

8. Recommendations

8.1 The Committee is recommended to:

8.2 Approve the formation of two panels sitting on a rota basis each consisting of seven Members of the Licensing Committee and chaired by the Chairperson and Vice Chairperson of the Licensing Committee where possible. In the event that the Chair or Vice Chair are not able to attend their respective subcommittee meeting, a chair will be elected from those in attendance. These Licensing Sub-Committees will undertake licensing functions, including taxi licensing and street trading as set out in the Council's Constitution.

8.3 Approve the amendment to paragraph 8.2 of the Statement of Policy regarding the relevance of convictions and licensing of ex-offenders as follows:

8.2 Grant of Licence: Referred to Sub-Committee if conviction falls within the policy guidelines set out in the Statement of Policy regarding the relevance of convictions and licensing of ex-offenders.

P A Jolley

Corporate Director Operational and Partnership Services

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Background documents

Report to Council

Council Constitution

Statement of Policy regarding the relevance of convictions and licensing of ex-offenders available at www.bridgend.gov.uk

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