

**BRIDGEND COUNTY BOROUGH COUNCIL**  
**REPORT TO LICENSING ACT 2003 COMMITTEE**

**9 JULY 2018**

**REPORT OF THE HEAD OF LEGAL AND REGULATORY 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 a senior management review.

**2. Connection to corporate improvement objectives/other corporate priorities**

- 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 16 May 2018 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 the Committee but need to be updated to reflect changes following a senior management review within the authority.
- 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, and to institute proceedings under those Acts, to the Head of Legal and Regulatory Services.

4.2 It is also proposed that, where appropriate, the Head of Legal and Regulatory Services, the Team Manager Licensing (Bridgend and Vale) and the Senior Licensing Officer (Technical) and Senior Licensing Enforcement Officer, Senior Licensing Policy Officer and Licensing Assistant 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).

4.3 The authorisations in respect of the Team Manager Licensing (Bridgend and Vale), Senior Licensing officer (Technical), Senior Licensing Enforcement Officer, Senior Licensing Policy Officer and Licensing Assistant will only take effect when these officers are made available to Bridgend County Borough Council in accordance with section 113 of the Local Government Act 1972.

4.4 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.

4.5 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.

## **5. Effect upon policy framework and 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. Well-being of Future Generations (Wales) Act 2015 implications**

7.1 Prevention: The Council is a regulatory body with responsibility for the promotion of the four licensing objectives set out in the Licensing Act 2003.

Collaboration: Statutory consultation with the South Wales Police is set out in the Licensing Act 2003.

## **8. Financial implications**

8.1 None for the authority.

## 9. Recommendation

9.1 It is recommended that the Committee exercise its delegated authority to authorise the Head of Legal and Regulatory Services to institute proceedings under the above-mentioned Acts.

9.2 It is recommended that the Committee exercise its delegated authority to Authorise that the Head of Legal and Regulatory Services, the Team Manager Licensing (Bridgend and Vale), the Senior Licensing Officer (Technical), Senior Licensing Enforcement Officer, Senior Licensing Policy Officer and Licensing Assistant are authorised to

- acknowledge and issue Notices relating to Temporary Event Notices;
- issue, refuse, suspend licences, registrations, certificates, permits and notices,
- 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).

9.3 It is recommended that the Committee exercise its delegated authority and approve the arrangements for the formation of Sub-Committees set out in paragraphs 4.1 to 4.5 above.

**Kelly Watson**  
**Head of Legal and Regulatory Services**

**Date:** 3 July 2018

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## Background documents

Report to Council 16 May 2018

Section 182 Guidance issued in association with the Licensing Act 2003 available at [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)