

BRIDGEND COUNTY BOROUGH COUNCIL
REPORT TO LICENSING ACT 2003 COMMITTEE

25 May 2021

REPORT OF THE CHIEF OFFICER – LEGAL, HR AND REGULATORY SERVICES

LICENSING ACT 2003 AND GAMBLING ACT 2005
DELEGATION OF FUNCTIONS

1. Purpose of report

- 1.1 The purpose of this report is 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 2021.

2. Connection to corporate well-being 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 19 May 2021 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.
- 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 Head of Legal, HR and Regulatory Services and for the Head of Legal, HR and Regulatory Services to institute proceedings under those Acts.

4.2 It is also proposed that, where appropriate, the Head of Legal, HR and Regulatory Services, the Team Manager Licensing (Bridgend and Vale), the Senior Licensing Officer (Technical), Senior Licensing Enforcement Officer and Licensing Policy Officer 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 licensing officers 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. 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. The Committee is asked to note that approval of both the licensing and gambling policy statements must, by statute, be determined by Council.

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

6. Equality Act 2010 implications

6.1 Information/Administrative report – EIA not needed

The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. This is an information report, therefore it is not necessary to carry out an EIA in the production of this report. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 There are no implications arising from the proposals.

8. Financial implications

8.1 There are no financial implications arising from the report.

9. Recommendation(s)

It is recommended that the Committee exercise its delegated authority to:

- 9.1 authorise the Head of Legal, HR and Regulatory Services to institute proceedings under the above-mentioned Acts.
- 9.2 authorise the Head of Legal, HR and Regulatory Services, the Team Manager Licensing (Bridgend and Vale), the Senior Licensing Officer (Technical), Senior Licensing Enforcement Officer, and Licensing Policy Officer 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).
- 9.3 approve the arrangements for the formation of Sub-Committees set out in paragraphs 4.3 and 4.4 above.

Kelly Watson
CHIEF OFFICER – LEGAL, HR AND REGULATORY SERVICES

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Background documents:

None