

Meeting of:	LICENSING ACT 2003 COMMITTEE
Date of Meeting:	24 MAY 2023
Report Title:	LICENSING ACT 2003 AND GAMBLING ACT 2005 DELEGATION OF FUNCTIONS
Report Owner / Corporate Director:	CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY
Responsible Officer:	YVONNE WITCHELL TEAM MANAGER LICENSING
Policy Framework and Procedure Rules:	The report content has no direct effect upon the policy framework and procedure rules.
Executive Summary:	<ul style="list-style-type: none"> • 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 2023 Council received a report establishing the membership of the Licensing Act 2003 Committee. • This reports seeks 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 2023.

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 2023.

2. Background

- 2.1 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.

2.2 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.

2.3 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.

3. Current situation / proposal

3.1 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 Chief Officer – Legal and Regulatory Services, HR and Corporate Policy and for the Chief Officer – Legal and Regulatory Services, HR and Corporate Policy to institute proceedings under those Acts.

3.2 It is also proposed that, where appropriate, the Chief Officer – Legal and Regulatory Services, HR and Corporate Policy, the Team Manager Licensing (Bridgend County Borough Council and Vale of Glamorgan Council), 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.

3.3 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 the Council.

4. Equality implications (including Socio-economic Duty and Welsh Language)

4.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

5.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

6. Climate Change Implications

6.1 There are no Climate Change Implications arising from this report.

7. Safeguarding and Corporate Parent Implications

7.1 There are no Safeguarding and Corporate Parent Implications arising from this report.

8. Financial Implications

8.1 There are no Financial Implications arising from the report.

9. Recommendations

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

- authorise the Chief Officer – Legal and Regulatory Services, HR and Corporate Policy to institute proceedings under the above-mentioned Acts.
- authorise the Chief Officer – Legal and Regulatory Services, HR and Corporate Policy, the Team Manager Licensing (Bridgend County Borough Council and Vale of Glamorgan Council), 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).
- approve the arrangements for the formation of Sub-Committees as set out in paragraph 3.3 above.

Background documents

None