



TITLE: LICENSING ACT 2003 – APPOINTMENTS TO SUB-COMMITTEES

TO/ON: LICENSING COMMITTEE – 24TH OCTOBER 2005

BY: JULIAN JOINSON, DEMOCRATIC SERVICES MANAGER

LEAD MEMBER: COUNCILLOR J DRIVER, STREET SCENE & LIVEABILITY

STATUS: FOR PUBLICATION

1. PURPOSE OF THE REPORT

- 1.1. To establish a procedure to enable Sub-Committees to be set up within the permitted timescales in respect of hearings under the Licensing Act 2003.

2. RECOMMENDATIONS

- 2.1 To agree that the Head of Legal and Democratic Services be authorised to establish ad hoc Sub-Committees, for the purpose of hearing matters under the Licensing Act 2003;and
- 2.2 To agree that the Head of Legal and Democratic Services be authorised to appoint the individual members of Sub-Committees, comprising any three members of the Licensing Committee.

3. REPORT AND REASONS FOR RECOMMENDATIONS AND TIMETABLE FOR IMPLEMENTATION

- 3.1. The Licensing Act 2003 requires certain matters, such as applications and variations in respect of premises licences where objections have been received, to be heard by a Sub-Committee in accordance with the Licensing Act 2003 (Hearings) Regulations 2005. The Sub-Committees comprise three members who may be drawn from the Membership of the Licensing Committee.
- 3.2. Prior to the introduction of formal Leader and Cabinet Arrangements on 1st October 2005, the Licensing Committee had established three standing Sub-Committees to deal with Hackney Carriage and Private Hire, Gaming and Miscellaneous and Licensing Act 2003 issues. In practice, when a licensing

hearing was required, the Head of Legal and Democratic Services selected three members from the next available standing Sub-Committee, and convened a hearing on the programmed date, in order to comply with the required timescales. However, following the adoption of a revised Constitution with effect from 1st October 2005, the standing Licensing Sub-Committees have been disestablished.

- 3.3. Accordingly, the Committee is requested to consider what arrangements it wishes to make to convene licensing hearings. Given that the timescale for hearing individual cases is relatively short, it is proposed that officers be authorised to convene Sub-Committees and to appoint the individual councillors to serve on those hearings. However, the Scheme of Delegation to Officers within the revised Constitution makes no provision for officers to select Members to serve on licensing hearings.
- 3.4 Members are requested to authorise the Head of Legal and Democratic Services to convene Sub-Committees on an ad hoc basis in respect of Licensing Act 2003 matters and to appoint the individual councillors to serve on the hearings.

4. CORPORATE IMPROVEMENT PRIORITIES

4.1. FINANCE AND RISK MANAGEMENT

4.1.1. None

4.2. MEMBER DEVELOPMENT AND POLITICAL ARRANGEMENTS

4.2.1. None

4.3. HUMAN RESOURCES

4.3.1. None

5. ANY OTHER RELEVANT CORPORATE PRIORITIES

5.1. None

6. RISK

6.1. None

7. LEGAL IMPLICATIONS ARISING FROM THE REPORT

7.1 The Licensing Authority must determine applications within a specified period of time.

8. EQUALITIES ISSUES ARISING FROM THE REPORT

None

9. WARDS AFFECTED

All

10. CONSULTATIONS

None

11. Background documents:

None

For further information on the details of this report, please contact:

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