

## **Statutory Licensing Committee**

**9 April 2009**



### **Licensing Act 2003 – Appointment of Statutory Licensing Sub Committee**

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## **Report of Lesley Davies, Head of Legal and Democratic Services**

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### **Purpose of the Report**

1. To formally appointment the Statutory Licensing Sub Committee in accordance with Sections 9 and 10 of the Licensing Act 2003.

### **Background**

2. The Licensing Act 2003 confers on the new Unitary Authority the duty of becoming the 'Licensing Authority' for Alcohol, Regulated Entertainment and Late Night Refreshment licensing purposes. Section 6 of the Licensing Act 2003 prescribes a minimum membership of the Statutory Licensing Committee of 10, and a maximum of 15, as a legislative requirement. The County Council's Constitution approved on 17<sup>th</sup> March prescribes that the membership of this Committee should be the maximum number of 15.

3. Section 9 of the Licensing Act 2003 prescribes that the Licensing Authority may establish one or more 'Sub Committees', consisting of no more than 3 members of the Statutory Licensing Committee to carry out its duties. Section 10 allows the Statutory Licensing Committee to discharge any functions of the Licensing Authority in accordance with the Licensing Act 2003, except for the determination of Policy, to:

- a) a Sub-Committee / Panel, established by it; or
- b) an officer of the Licensing Authority.

4. The County Council on 17<sup>th</sup> March, as part of its Constitutional arrangements, agreed that a Statutory Licensing Sub Committee be established to discharge all of the functions of the parent Statutory Licensing Committee, except policy development and matters delegated to officers. The functions of the Statutory Licensing Committee are attached at Appendix 1.

5. The Sub-Committee would be made up of 3 Members of the Statutory Licensing Committee appointed by the Head of Legal and Democratic Services on a rota basis. In accordance with Best practice a 4<sup>th</sup> Member would be invited to attend, and held in reserve, as sometimes a Member cannot sit due to unavailability, illness or finds they need to make a declaration of interest. Rather than cancel a Hearing, it is considered prudent to have 4 Members in attendance hearing the evidence, but only 3 would retire to make their deliberations.

**Recommendation**

6. The Committee are asked to approve the Sub Committee arrangements as detailed above.

**Background Papers**

None

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## APPENDIX 1

|                               |                           |  |
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| Statutory Licensing Committee | 15 Members of the Council | <ol style="list-style-type: none"><li>1. To review and make recommendations to Council upon policies in relation to licensing matters under the Licensing Act 2003 and the Statement of Licensing Policy.</li><li>2. To discharge the Council's functions as a Licensing Authority under the Licensing Act 2003, within agreed policy.</li><li>3. To review and make recommendations to Council upon policies in relation to licensing matters under the Gambling Act 2005 and the Statement of Principles.</li><li>4. To discharge the Council's functions as a Licensing Authority under the Gambling Act 2005, within agreed policy.</li><li>5. To arrange for the discharge of any of the Licensing functions exercisable by the Committee by an Officer of the Licensing Authority subject to the limitations set out in section 10(4) of the Licensing Act 2003 and section 154 of the Gambling Act 2005.</li><li>6. To discharge any other function of the Council which relates to a matter which is a licensing function under the Licensing Act 2003 or the Gambling Act 2005, but which is not such a licensing function after consideration of a report from the committee within whose remit that other function falls.</li></ol> |
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