



**Joint General Licensing and Registration and Statutory Licensing
Committee**

Date Monday 31 January 2011
Time 1.00 pm
Venue Council Chamber - County Hall, Durham

Business

Part A

1. Declarations of Interest, if any
2. Proposed Amendment to the Constitution - Committee Provisions
Applicable to Licensing (Pages 1 - 12)
3. Such other business as, in the opinion of the Chairman of the meeting,
is of sufficient urgency to warrant consideration
4. Any resolution relating to the exclusion of the public during the
discussion of items containing exempt information

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
21 January 2011

To: **The Members of the Joint General Licensing and Registration
and Statutory Licensing Committee**

Councillors B Alderson, B Arthur, J Bailey, D Barnett, E Bell,
J Blakey, D Bowman, D Boyes, D Brown, C Carr, P Charlton,
D Farry, P Gittins, B Graham, J Gray, K Holroyd, A Hopgood,
J Hunter, G Huntington, J Lee, R Liddle, D A Marshall, L Marshall,
P May, D Morgan, M Plews, J Shiell, D Stoker, O Temple,
L Thomson, R Todd, J Wilkinson and A Wright

**Contact: Jill Errington Tel: 0191
3706250**

Email: jill.errington@durham.gov.uk

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**Joint General Licensing and Registration
and Statutory Licensing Committees**

31 January 2011



**Proposed Amendment to the Constitution
– Committee Provisions Applicable to
Licensing.**

Report of Head of Legal and Democratic Services

Purpose of the Report

- 1 To change the current provision in the Constitution with respect to the Committee structure for licensing to enable a more efficient and economic provision of the service.

Background

- 2 The licensing function of the authority covers many aspects ranging from zoos, pet shops, tattoo parlours, taxis, alcohol and entertainment. With the exception of alcohol and entertainment that function was usually carried out by a General Licensing and Registration Committee. The Licensing Act 2003 (“the LA”) brought in changes which empowered Councils to administer licenses for alcohol and changes to how licences or permits for entertainment were granted. It did not apply to the then County Council but only to District Councils.
- 3 Section 6 of the LA provides *“Each licensing authority must establish a licensing committee consisting of at least ten, but not more than fifteen, members of the authority.*
- 4 On the formation of the current County Council on the 1st April 2009 the Council provided for two separate Committees, a Statutory Committee and a General Licensing and Registration Committee as shown in Appendix 2.
- 5 The division of licensing between General and Statutory has resulted in two separate committees that cannot cover each other’s work and can result in separate hearings on separate days as the work cannot be combined.
- 6 With the present structure there have been problems in having the General Committee meetings quorate.
- 7 The LA does not say that the Statutory Committee must be a separate free-standing committee but only that the Council has one. It can therefore be a sub committee with sub committees beneath it. A number of other authorities have continued to do that drawing their statutory members from their general committee.
- 8 The current set up has lead to only Statutory Members (other than the Chairs) handling statutory work and General Members handle the remainder – this is mainly taxi and private hire work but also involves other aspects of licensing.

- 9 The Council has resolved to adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and this brings in the need to licence sex shops, sexual entertainment venues and other similar establishments.
- 10 The proposals in this Report are intended to enable a more efficient and economic provision of the Council's licensing function. It will enable the Statutory Committee to handle General Licensing when occasions warrant it and provide the understanding of all aspects of the law when handling the "new" functions under the 1982 Act.
- 11 Finally Common Land and Town and Village Green applications currently come under the General Licensing and Registration Committee that aspect having been "inherited" under the LGR process. They are not licensing issues but claims with respect to the use of land and as such ought to be transferred to the Highways Committee under whose remit they more naturally fall.

Recommendations and reasons

- 12 The Council resolves that:
 - 12.1 The provisions set out in Appendix 3 replace those in Appendix 2. *this is to enable sufficient persons to cover the work required, and ensure that the Statutory Committee is not just limited to doing Licensing Act 2003 work.*
 - 12.2 It is in order, where it is expedient to do so, for hearings required to be held for the business of the General Licensing and Registration Committee to be combined with hearings of the Statutory Committee and its members enabled to conduct the same - *this is to reduce cost, have one meeting instead of two but only when appropriate.*
 - 12.3 All members of the General Licensing and Registration Committee receive the same training - *this is to ensure that each person understands the parameters within which all have to operate.*
 - 12.4 The current provision for Common Land and Town and Village Greens be removed from the business of the General Licensing and Registration Committee and be dealt with by the Highways Committee - *to remove a function that is not a licensing one.*

Background papers

None

Contact: Richard Langdon Tel: 0191 3834671

Appendix 1: Implications

Finance - there are no additional costs to be incurred by the Council consequent upon the recommendation but on the contrary financial savings.

Staffing – None, but it will help meet with the administrative changes coming about within the licensing section as a result of reducing the licensing areas to two from three,

Equality and Diversity – None.

Accommodation – Where meetings can be combined it will free up the use of meeting rooms for other purposes.

Crime and Disorder – None as such but it will lead to greater understanding by the Committee as a whole as to how this aspect needs to be addressed in all licensing matters.

Human Rights – None.

Consultation – None, other than discussions with the current chair and vice chairs involved with licensing.

Procurement – None.

Disability Discrimination Act – None.

Legal Implications – None. So long as the Statutory Committee is formally set up as a minim of 10 and a maximum of 15 even though it will be a sub committee of General Licensing.

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CONSTITUTION PART 3

A. RESPONSIBILITY FOR NON-EXECUTIVE OR COUNCIL FUNCTIONS

Existing Provision – Licensing

Council Body	Membership	Functions
Statutory Licensing Committee	15 Members of the Council	<ol style="list-style-type: none"> 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. 2. To discharge the Council's functions as a Licensing Authority under the Licensing Act 2003, within agreed policy. 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. 4. To discharge the Council's functions as a Licensing Authority under the Gambling Act 2005, within agreed policy. 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. 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.
Statutory Licensing Sub-Committee	<p>3 Members (plus Chair or Vice-Chair) of the Statutory Licensing Committee appointed by the Head of Legal and Democratic Services* on a rota basis. The quorum for meetings of this Sub-Committee shall be 3.</p> <p>*In appointing the Members of the Statutory Licensing Sub-Committee,</p>	To discharge all of the functions of the Statutory Licensing Committee except policy development and matters delegated to officers.

	<p>the Head of Legal and Democratic Services will identify a panel of 3 Members plus a Chair or Vice-Chair for each scheduled meeting at the start of the municipal year.</p>	
<p>General Licensing and Registration Committee</p>	<p>24 Members of the Council</p>	<ol style="list-style-type: none"> 1. To review and make recommendations to the Council where appropriate on policies in relation to the licensing and registration functions set out below. 2. Except where the matter is delegated to the Statutory Licensing Committee or the Highways Committee or to an officer: <ol style="list-style-type: none"> (a) To discharge the Council's licensing, registration and regulatory functions as set out in Section B of Schedule 1 to the 2000 Regulations, in relation to: <ul style="list-style-type: none"> • hackney carriages and private hire vehicles; • common land and town and village greens; • sex shops and sex cinemas; • market and street trading; (b) Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption. 3. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Council's area.
<p>General Licensing Sub-Committees</p>	<p>3 Sub-Committees of 7 Members to sit with the Chair or Vice-Chair as a Panel of 8 Members</p>	<p>To discharge all of the functions of the General Licensing Committees except policy development and matters delegated to officers.</p>
<p>Area General Licensing and Registration Sub-Committee (North Durham) (comprising the former District Council areas of Derwentside and Chester-le-Street)</p>	<p>Each Sub-Committee shall comprise 8 Members of the General Licensing and Registration Committee. Where practicable, the majority of (but not all) Members on each Area Sub-</p>	<p>To discharge within their area those functions of the General Licensing and Registration Committee set out in paragraph 2 of the Committee's list of functions.</p> <p>The Sub-Committees may, in case of urgency, or at the request of the applicant deal with matters outside their geographical area.</p>

<p>Area General Licensing and Registration Sub-Committee (Central and East Durham) (comprising the former District Council areas of Durham City and Easington)</p> <p>Area General Licensing and Registration Sub-Committee (South and West Durham) (comprising the former District Council areas of Sedgefield, Teesdale and Wear Valley)</p>	<p>Committee shall be Members representing Electoral Divisions within the area concerned. The Head of Legal and Democratic Services will determine membership of the Sub-Committees to achieve this objective, where the agreement of the relevant political groups cannot be obtained. The quorum for meetings of these Sub-Committees shall be 5.</p>	
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CONSTITUTION PART 3

A. RESPONSIBILITY FOR NON-EXECUTIVE OR COUNCIL FUNCTIONS

Proposed Provision – Licensing

Council Body	Membership	Functions
General Licensing and Registration Committee	27 Members of the Council	<ol style="list-style-type: none"> 1. To review and make recommendations to the Council where appropriate on policies in relation to the licensing functions set out below. 2. Except where the matter is delegated to a sub Committee or to an officer: <ol style="list-style-type: none"> (a) To discharge the Council's licensing and regulatory functions as set out in Section B of Schedule 1 to the 2000 Regulations, in relation to: <ul style="list-style-type: none"> • hackney carriages and private hire vehicles; • sex shops and sex cinemas and sexual entertainment venues and licensing matters provided for in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982; • market and street trading; (b) Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption. 3. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Council's area.
General Licensing and Registration Sub-Committees	<p>3 Sub-Committees of 4 Members to sit with the Chair or a Vice-Chair as a Panel of 5 Members appointed by the Head of Legal and Democratic Services* on a rota basis. The Chair to be a person also serving as a Chair of the Statutory Licensing Committee or a sub committee thereof.</p> <p>The quorum for meetings of these</p>	To discharge all of the functions of the General Licensing Committees except policy development and matters delegated to officers.

	<p>Sub-Committees shall be 3.</p> <p>*In appointing the Members of the Sub-Committees, the Head of Legal and Democratic Services will identify a panel of 4 Members plus a Chair or Vice-Chair (5 in total) for each scheduled meeting at the start of the municipal year.</p>	
<p>Statutory Licensing Committee [a Sub – Committee of the General Licensing and Registration Committee and to be called the “Statutory Licensing Committee”]</p>	<p>15 Members of the Council drawn from the 27 members of the General Licensing and Registration Committee who, whilst predominantly will serve on the Statutory Licensing Committee and its sub committees, can when occasion demands also serve on other sub committees of the General Licensing and Registration Committee.</p>	<ol style="list-style-type: none"> 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. 2. To discharge the Council’s functions as a Licensing Authority under the Licensing Act 2003, within agreed policy. 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. 4. To discharge the Council’s functions as a Licensing Authority under the Gambling Act 2005, within agreed policy. 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. 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.
<p>Statutory Licensing Sub-Committees [Sub Committees of the Statutory Licensing Committee]</p>	<p>3 Sub-Committees of 4 Members to sit with the Chair or a Vice-Chair as a Panel of 5 Members appointed by the Head of Legal and Democratic Services* on a rota</p>	<p>To discharge all of the functions of the Statutory Licensing Committee except policy development and matters delegated to officers.</p>

	<p>basis. The quorum for meetings of these Sub Committee shall be 3.</p> <p>*In appointing the Members of the Statutory Licensing Sub-Committees, the Head of Legal and Democratic Services will identify a panel of 4 Members plus a Chair or Vice-Chair (5 in total) for each scheduled meeting at the start of the municipal year.</p>	
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