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# Licensing Committee

Report of the meetings held on 8th December 2004  
and 19th January 2005

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## Matters for Information

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**1. LICENSING ACT 2003 -  
STATEMENT OF LICENSING POLICY**

The Committee has considered the response to the public consultation exercise on the preparation of a Statement of Licensing Policy as required by the Licensing Act 2003 and its recommendations on the Statement were considered by the Council at a special meeting held on 20th December 2004.

**2. LICENSING ACT 2003 –  
CONSULTATION ON DRAFT FEE LEVELS**

The Committee commented on draft regulations published by the Department for Culture, Media and Sports on the level of fees to be set under the Licensing Act 2003. In so doing, the Committee expressed the view that the proposed fees were likely to significantly underestimate the complexity and magnitude of the applications and representations which are likely to be received from the public.

**3. LICENSING COMMITTEE PROCEEDINGS**

The Licensing Committee has not been appointed under Section 102 of the Local Government Act 1972 and therefore is not subject to the same requirements in terms of notice of meetings, access to information, exclusion of the public, quorum and proportionality, etc. Having been established under Section 6 of the Licensing Act 2003, the Committee is able to determine its own proceedings unless these are prescribed in Regulations made by the Secretary of State. In the absence of any reference in Regulations to the proceedings of the Committee itself and in the interests of consistency, the Committee has decided to adopt the provisions of the Local Government Act 1972 and associated legislation in relation to the conduct of its business.

In so doing, the Committee has also adopted those aspects of the Council's Constitution that apply to other committees and panels of the Council.

#### **4. APPOINTMENT OF SUB COMMITTEES**

The Committee has been reminded that under the Licensing Act 2003 one or more sub-committees may be appointed by which certain responsibilities must be discharged.

In view of the potential number of sub-committee hearings that might be required during the transitional period, the Committee has agreed to divide its membership into three groups of four Members from which a total of nine sub-committees comprising three members have been appointed which will be convened, as necessary, to determine applications where representations have been received.

#### **5. LICENSING SUB COMMITTEE PROCEDURE**

Members have been reminded that the Licensing Act 2003 also requires the Committee to determine the proceedings of its sub-committees, subject to the provisions of any Regulations made by the Secretary of State. In that respect, the Committee has adopted a procedure for sub-committee hearings which incorporates the requirements of the Licensing Act 2003 (Hearings) Regulations 2005.

#### **6. DELEGATIONS**

The Committee has been reminded that it is required by the Licensing Act 2003 to delegate certain functions to its sub-committees or officers in the interests of speed, efficiency and cost effectiveness. The Secretary of State's guidance requires the Committee to receive regular reports on decisions made by officers and in that respect the Committee has approved a schedule of delegations under the Licensing Act 2003 and agreed that a list of the delegated functions be included in the Council's Statement of Licensing Policy.

#### **7. LICENSING ACT 2003: AUTHORISED OFFICERS**

The Committee has authorised the following officers under Section 13 of the Licensing Act 2003 to inspect or enter premises for a variety of purposes:-

Head of Administration;  
Central Services Manager;  
Licensing Officer; and  
Assistant Licensing Officers.

#### **8. MEMORANDUM OF UNDERSTANDING AND JOINT ENFORCEMENT PROTOCOL**

The Committee has been acquainted with progress towards the preparation of a memorandum of understanding and joint enforcement protocol with the Police in accordance with the Secretary of State's guidance issued under Section 182 of the Licensing Act 2003. The Protocol will provide a more effective deployment of officers both by the licensing authority and the Police with inspections of premises being undertaken only when judged necessary. The

Committee has noted that licensing officers in the County have discussed the memorandum collectively with the Police and that a further meeting is to take place in the near future.

**9. GAMBLING BILL**

The Committee has received an update on the progress of the Gambling Bill currently before Parliament.

**10. GAMING ACT 2003: LICENSING OF GAMING MACHINES**

The Committee has been advised that the Licensing Act 2003 also transfers responsibility for the licensing of gaming machines in licensed premises from the licensing justices to the District Council. The Courts will remain responsible for gaming machines in clubs whilst the licensing of gaming machines in all other premises will remain within the remit of the Licensing and Protection Panel.

In that respect the Head of Administration (or in his absence, the Central Services Manager) has been authorised to approve applications for the grant or renewal of permits for gaming machines in premises with a Premises Licence under the Licensing Act 2003. In cases where an objection to an application has been received, the Committee has agreed that the Licensing Sub-Committees be authorised to hold a hearing and to determine applications for the grant or renewal of permits.

J M Sadler  
Chairman