

LICENSING AND APPEALS COMMITTEE
21 OCTOBER 2019

PART 1 – PUBLIC DOCUMENT

TITLE OF INFORMATION NOTE: THE ROLE OF THE LICENSING AND APPEALS COMMITTEE

INFORMATION NOTE OF: THE LICENSING MANAGER

EXECUTIVE MEMBER: CLLR GARY GRINDAL (EXECUTIVE MEMBER FOR HOUSING AND ENVIRONMENTAL HEALTH)

PRIORITY: PROSPER AND PROTECT

1. SUMMARY

- 1.1 The purpose of this Information Note is to facilitate preliminary discussions about the role of the Licensing and Appeals Committee and seek the views of its Members.

2. STEPS TO DATE

- 2.1 A number of new Members have joined the Committee this year and during their licensing training a number of questions arose about the role of the Committee.
- 2.2 The Licensing Manager discussed this with the Chairman of the Licensing and Appeals Committee and it was agreed that the Annual Meeting would be the appropriate opportunity for Members to discuss this matter.

3. INFORMATION TO NOTE

- 3.1 Section 8.2.3 of the Council Constitution lists the responsibilities of the Committee as follows:

There shall be at least one (1) regular meeting of the Committee per year:-

- (a) to consider all Licensing matters with the exception of the statements of licensing policy under the Licensing Act 2003 and the Gambling Act 2005 and those matters delegated to the Licensing Sub-Committee and the Service Director: Legal and Community.*
- (b) to make recommendations to Council on the statements of licensing policy under the Licensing Act 2003 and the Gambling Act 2005.*
- (c) to consider and amend other non-executive Licensing Policies (minor amendments to be delegated to the Licensing Manager in consultation with the Chairman of Committee and the relevant Executive Member).*
- (d) to receive an annual report on Licensing activities including performance information.*

- 3.2 In addition, the Committee determine applications under the Local Government (Miscellaneous Provisions) Act 1982 for sex establishment licences (sex shops, sex cinemas or sexual entertainment venues) as follows:
- All applications for the grant of a new licence irrespective of whether representations have been received
 - Applications for the renewal, transfer or variation of an existing licence when representations have been received
 - Applications for the renewal, transfer or variation of an existing licence when representations have not been received but the Licensing Manager is not minded to grant the application under delegated powers
- 3.3 In addition, the Licensing Manager may choose to refer any delegated decision to the Licensing and Appeals Committee in instances where it is deemed appropriate, for example:
- Where it may be in the public interest
 - Where policy is not clear
 - Where the determination may result in the need for an amendment to policy
- 3.4 Licensing and Appeals Sub-Committees are required by legislation to determine a number of applications under the Licensing Act 2003 and the Gambling Act 2005. A list of these applications is attached as **Appendix A** (Licensing Act 2003) and **Appendix B** (Gambling Act 2005).

4. NEXT STEPS

- 4.1 The Licensing Manager will assess the feasibility and practicality of the ideas suggested by the Committee, prior to discussing those findings with the Executive Member for Housing and Environmental Health and the Chairman of the Licensing and Appeals Committee.
- 4.2 If there are matters to be progressed formally, a report would be presented to a future meeting of the Committee in order that the Committee can consider appropriate resolutions.
- 4.3 Any matter that would require an amendment to the Council Constitution would need to be considered by the Monitoring Officer as part of the next review of the Constitution in preparation for a report to Full Council.

5. APPENDICES

- 5.1 Appendix A Applications under the Licensing Act 2003 reserved for a Licensing and Appeals Sub-Committee
- 5.2 Appendix B Applications under the Gambling Act 2005 reserved for a Licensing and Appeals Sub-Committee

6. CONTACT OFFICERS

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7. BACKGROUND PAPERS

- 7.1 [Council Constitution](#)