



Licensing Committee

Date: Thursday, 16 May 2019
Time: 11.00 am (or immediately following Council)
Venue: Committee Suite, South Walks House,
Dorchester, Dorset

Membership: (Quorum 3)

Membership to be confirmed at the meeting of Annual Council on 16 May 2019

Chief Executive: Matt Prosser, South Walks House, South Walks Road,
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For more information about this agenda please telephone Democratic Services on 01305 or Kate Critchel 01305 252234 kcritchel@dorsetcouncil.gov.uk



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A G E N D A

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1 APOLOGIES

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

To receive any declarations of interest.

3 PUBLIC PARTICIPATION

To receive questions or statements on the business of the committee from town and parish councils and members of the public.

4 CONFIRMATION OF CONSTITUTION, DELEGATED POWERS AND APPOINTMENT OF LICENSING SUB-COMMITTEES

3 - 8

To consider a report regarding the committee's terms of reference and appointment to sub-committees.

5 URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

6 EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.



Date of Meeting: 16 May 2019

Executive Summary:

The Licensing Committee is asked to confirm the new sub-committee(s) and their delegations of powers as set out in Article 8 of the Constitution and in the officer's scheme of delegations.

Equalities Impact Assessment:

There are no implications to consider.

Budget:

There are no associated costs with this decision

Risk Assessment:

Should the committee not confirm the sub-committees and their delegation, it may mean that this part of the council's constitution and delegations to officers is out of date and this could lead to legal challenge.

Other Implications:

There are no other implications.

Recommendation:

- (a) That in relation to Licensing & Gambling functions of the Council; the committee adopt the delegations of powers in respect of its sub-committees and officers as set out in the report and at appendix 1 attached;
- (b) To adopt the Constitution in so far as it contains matters relating to such functions as provided in the Constitution;
- (c) That five (5) sub-committees be appointed consisting of 3 councillors' each for consideration of matters relating to the Licensing Act 2003, Gambling Act 2005 and to undertake functions in relation to hackney carriage and private hire vehicles, drivers and operators licences.

Reason for the Decision

To ensure compliance with the Constitution, delegations of powers and to mitigate any legal action against the Council.

Appendices:

Appendix 1 Extract from the Article 8 of the Dorset Council Constitution
Appendix 2 Table for sub-committee appointments

Background Papers:

There are no background papers for this report

Officer Contact

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Background Information and Reason Decision is Needed

1. At the first meeting after each Annual Council the Licensing Committee shall review and appoint such sub-committees as it considers appropriate for the effective operation of the council's licensing duties.
2. In order to meet the requirements of the Constitution, the committee is asked to appoint five (5) sub-committees consisting of three (3) councillors each for the consideration of matters in respect of the Licensing Act 2003 and the Gambling Act 2005. The sub-committee(s) will also undertake functions in relation to hackney carriage and private hire vehicles, drivers and operators licences.
3. The Chairman of the Licensing Sub-committee(s) shall be selected by the members of the sub-committee present at the time of the meeting. There shall also be powers for substitutes to be appointed to any sub-committee provided that the substitutes are councillors on the Licensing Committee. The Licensing Sub-committee(s) shall have a quorum of three (3).
4. In order to meet the requirements of the constitution and as is considered to be best practice; the committee is requested to confirm the appointment of sub-committee(s) and their delegations of powers. A failure to do so could lead to legal challenges.

- 5.** To delegate the following provisions under the Licensing Act 2003 to the Director of Place under the Officer Scheme of Delegations:
- a. Approval of all applications under the Licensing Act 2003 except where there are objections
 - b. In respect of the licensing function to determine if representations and/or requests for review are irrelevant, frivolous or vexatious.
 - c. In respect of the licensing function for the Council, to make representation/request for review where the where the district council is a responsible authority and not the licensing authority.
 - d. In respect of the whole licensing function to enforce legislation and compliance with conditions in respect of the licensing functions
- 6.** To delegate the following provisions under the Gambling Act 2005 to the Director of Place under the Officer Scheme of Delegations:
- a. Approval of all applications under the Gambling Act 2005 except where there are objections, or cancellation/revocation of the licence N.B If objections or cancellation/revocation decision by Licensing Sub Committee.
 - b. To set fee levels for applications made under the Gambling Act 2005

APPENDIX 1 – EXTRACT FROM ARTICLE 8 DORSET COUNCIL CONSTITUTION

LICENSING COMMITTEE

8.15 Role/Terms of Reference and Membership

- (a) The Licensing Committee shall have primary responsibility for:
 - (i) the discharge of the Council's licensing, certification and registration functions; and
 - (ii) the determination of any application relating to the manufacture and/or storage of explosives;

that is not dealt with through the use of any other mechanism.

- (b) The Licensing Committee shall be the licensing committee of the Council for the purposes of exercising any functions expressly referred to a licensing committee by any legislation (e.g. the Licensing Act 2003 and the Gambling Act 2005). In such cases, the Licensing Committee may arrange for the discharge of any of those functions as it sees fit provided it is in accordance with the law. Where the Licensing Committee makes arrangements for the discharge of its functions it shall without delay seek to notify the Head of Paid Service. The Constitution sets out the current position with regard to such matters.
- (c) The Licensing Committee may also deal with certain other matters which are referred to it having regard to provisions in the Licensing Act 2003 by a person or body possessing the power to make that determination.
- (d) The Licensing Committee will consist of 15 Members appointed by Full Council.
- (e) The quorum of the Licensing Committee shall be 3.

8.16 Appointment of Chairman and Vice-Chairman

The Chairman and Vice-Chairman of the Licensing Committee shall be appointed by Full Council unless Full Council otherwise determines.

8.17 Meetings

- (a) The number of ordinary meetings of the Licensing Committee each year will normally be determined by Full Council.
- (b) The Chairman of Licensing Committee shall have the power to call one or more special meeting(s) of the Licensing Committee.

- (c) The Chairman of Licensing Committee may determine that a meeting should be cancelled for insufficient business.
- (d) No Member shall sit as a member of the Licensing Committee unless s/he has received licensing training provided to that Member for this purpose.
- (e) There shall be no power to appoint substitutes to the Licensing Committee.

8.18 Licensing Sub-Committees

- (a) At its first meeting after each Annual Council the Licensing Committee shall review and appoint such Sub-Committees as it considers appropriate for the effective operation of the Council's licensing duties.
- (b) Where more than one Licensing Sub-Committee has been appointed they shall sit in rotation. Each Licensing Sub-Committee shall consist of only 3 members and the quorum of each Sub-Committee shall be 3.
- (c) Substitutes may only be appointed to a Licensing Sub-Committee from the membership of the Licensing Committee.
- (d) For the avoidance of doubt, all Licensing Sub-Committees may exercise any powers given to them concurrently and independently of each other.

8.19 Delegated powers and powers to recommend of the Licensing Committee

- (a) The Licensing Committee shall have the powers as set out in Functions of the Council - Part 3(1) of the Constitution.
- (b) For the avoidance of doubt the Licensing Committee and any of its Sub-Committees can delegate any of its powers to any Officer (subject in particular in the case of the Licensing Act 2003 and the Gambling Act 2005 to any limitations prescribed in that legislation).

APPENDIX 2 - TABLE FOR SUB-COMMITTEE APPOINTMENTS

Sub-Committee A

Political Group	Name

Sub-Committee B

Political Group	Name

Sub-Committee C

Political Group	Name

Sub-Committee D

Political Group	Name

Sub-Committee E

Political Group	Name