

Licensing Committee

16 June 2022

Confirmation of Constitution, Delegated Powers and Appointment of Licensing Sub-Committees

For Decision

Portfolio Holder: Cllr L Beddow, Communities and Customer Services

Local Councillor(s): N/A

Executive Director: J Sellgren, Executive Director of Place

Report Author: John Newcombe

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Report Status: Public

Recommendations:

- (1) 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.
- (2) That five sub-committees be appointed consisting of three councillors each for consideration of matters relating to the Licensing Act 2003, Gambling Act 2005 and to undertake functions in relation to other licensing matters including hackney carriage and private hire vehicles, drivers and operator licences.

Reason for Recommendations:

To ensure compliance with the Constitution.

1. Executive Summary

- 1.1. 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.

2. Financial Implications

- 2.1 There are no additional financial implications arising from decisions in relation to this report.

3. Well-being and Health Implications

- 3.1 There are no additional well-being and health implications arising from decisions in relation to this report.

4. Climate implications

- 4.1 There are no additional climate implications arising from decisions in relation to this report.

5. Other Implications

- 5.1 There are no additional implications arising from decisions in relation to this report.

6. Risk Assessment

- 6.1 Having considered the risks associated with this decision, the level of risk has been identified as:
Current Risk: Medium
Residual Risk: Medium

7. Equalities Impact Assessment

- 7.1 Not Applicable

8. Appendices

Appendix 1 Extract from the Article 8 of the Dorset Council Constitution

Appendix 2 Table for sub-committee appointments

9. Background Papers

There are no background papers for this report

10. Background

- 10.1. In order to meet the requirements of the Constitution, at the first meeting of the Licensing Committee after each Annual Council the Committee is required to review and appoint such sub-committees as it considers appropriate for the effective operation of the council's licensing duties.
- 10.2. The committee is therefore asked to appoint five sub-committees consisting of three 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 operator licences.
- 10.3. 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.

10.4. 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 as set out in Appendix 1.

Footnote:

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

APPENDIX 1

EXTRACT FROM ARTICLE 8 DORSET COUNCIL CONSTITUTION (Version 8)

LICENSING COMMITTEE

8.25 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).
- (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.

8.26 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.

8.27 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.

8.28 **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.

8.29 **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
Conservative	Emma Parker
LibDem	Sarah Williams
Conservative	Paul Harrison

Sub-Committee B

Political Group	Name
LibDem	Jon Andrews
Conservative	Cathy Lugg
LibDem	David Morgan

Sub-Committee C

Political Group	Name
ALL	Les Fry
LibDem	David Taylor
Conservative	Mike Dyer

Sub-Committee D

Political Group	Name
Independent	Kate Wheller
LibDem	Derek Beer
Conservative	Julie Robinson

Sub-Committee E

Political Group	Name
Green	Brian Heatley
ALL	Susan Cocking
Conservative	Mike Barron