

# Licensing Committee

24 May 2023

## Appointment of Licensing Sub-Committees and New Delegations to Officers/Sub- Committees

### For Decision

**Portfolio Holder:** Cllr L Beddow, Culture and Communities

**Local Councillor(s):** N/A

**Executive Director:** J Sellgren, Executive Director of Place

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**Report Status:** Public

**Brief Summary:** 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. In addition it is recommended that new delegations are put in place to allow for the efficient and effective running of the service in relation to sexual entertainment licences, Temporary Event Notices and private hire vehicle plate exemptions.

### Recommendations:

- (1) That in relation to Licensing & Gambling functions of the Council; the Committee approve the delegation of powers to its sub-committees and officers as set out in the report and at Appendix 1 (set out what they are here so it is clear).

- (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. (Put this first at para 1)
- (3) To delegate to the Licensing Sub-Committee the power to determine applications for sexual entertainment licences that attract objections.
- (4) To delegate to the Executive Director of Place the power to issue a Notice (Statement of Conditions) in circumstances where the Police or the Council's Environmental Protection Team have submitted an objection to a Temporary Event Notice (TEN) requesting that conditions from the Premises Licence for the venue be added to the TEN and the applicant for the TEN agrees to those conditions being added to the TEN.
- (5) To delegate to the Executive Director of Place in consultation with the Chair and Vice Chair of the Licensing Committee, the power to determine applications for plate exemptions to private hire proprietors.

**Reason for Recommendation:** To ensure compliance with the Constitution, reduce the number of matters that need to be dealt with by the full committee and the sub committees and allow for the efficient running of the service.

## 1. **Background**

- 1.1 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.
- 1.2 The Committee may, under the terms of the Constitution, delegate such powers as it sees fit to Sub-Committees or to officers.

## 2. **Sub-Committees**

- 2.1 The Committee is 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.

- 2.2 The Chairman of the licensing sub-committee(s) will be selected by the members of the sub-committee present at the meeting. If a member of the sub-committee is unable to attend there are powers for substitutes to be appointed to that sub-committee, provided that the substitutes are councillors on the Licensing Committee.
- 2.3 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.

### 3. Delegations

- 3.1 **Sexual Entertainment Licences.** Currently all applications for sexual entertainment licences, where objections are received, have to be determined by the full Licensing Committee which only has meetings bi-annually. Officers recommend that power be delegated to the Licensing Sub-Committees to determine these applications bringing them into line with other applications and to allow such matters to be decided in a more efficient manner.
- 3.2 **Temporary Event Notices.** There have been occasions in the past year when Temporary Event Notice applications have had to be referred to licensing sub-committees when all outstanding issues have effectively been agreed between the parties. When a Temporary Event Notice (TEN) has been served for a premises that already has a premises licence in order to extend their hours etc. for a special event, the police or the environmental protection team may request that the conditions on the premises licence should apply to the extra time that would be permitted by the TEN. In instances where the notice giver (applicant) agrees to have these conditions attached the Licensing Authority has to serve a Notice - "Statement of Conditions" in order for those conditions to be applied to the TEN, this cannot just be done by agreement. To date, these matters have been referred to a licensing sub-committee to authorise the serving of the Notice – Statement of Reasons. Officers recommend that in those cases where there is agreement by all parties on the conditions that should apply, that power is delegated to the Executive Director for Place to issue a Notice - Statement of Conditions and that the need for a hearing is dispensed with.
- 3.3 **Private Hire Plate Exemptions.** Another issue which requires consideration relates to requests for private hire vehicles to be exempted from displaying a plate on the vehicle. The Committee is invited to delegate these requests to the Executive Director for Place in consultation with the Chair the Chair and Vice Chair of the Committee and one other member from the Committee.

4. **Financial Implications**  
There are no additional financial implications arising from decisions in relation to this report.
5. **Natural Environment, Climate & Ecology Implications**  
There are no negative implications arising from the recommendations contained within this report in terms of meeting the Council's climate change obligations.
6. **Well-being and Health Implications**  
There are no additional well-being and health implications arising from decisions in relation to this report.
7. **Other Implications**  
There are no other implications arising from the recommendations contained within this report in terms of impacts on other service areas within the Council.
8. **Risk Assessment**  
HAVING CONSIDERED: the risks associated with this decision; the level of risk has been identified as:  
Current Risk: Medium  
Residual Risk: Low
9. **Equalities Impact Assessment**  
Not applicable.
10. **Appendices**  
Appendix 1 Relevant section of Article 8 of the Dorset Council Constitution  
Appendix 2 Table for sub-committee appointments
11. **Background Papers**  
Dorset Council Constitution