Recommendations for Confirmation

Report of the Corporate Head of Business Support

Ward(s) affected: Not applicable.

1. **Purpose of Report** – To present a recommendation of the Licensing Committee which requires confirmation by Council.

2. **Recommendation** – To consider adopting the recommendation within Minute LIC.139/13-14 reproduced within this report

3. **Report**

3.1 In the current cycle of meetings the Licensing Committee (1st April 2014) made a recommendation at Minute LIC.139/13-14 concerning the Committee’s terms of reference. Minute LIC.139 is appended to this report.

3.2 Any Members requiring a copy of the report associated with the minute are asked to contact the Democratic Services Team.

4. **Author of the Report** – Chris Waterhouse, Committee Officer. Telephone 01756 706235. E-mail cwaterhouse@cravendc.gov.uk.

**Appendix**

**LIC.139 TERMS OF REFERENCE AND SCHEME OF DELEGATION**

Further to the Licensing Resources Working Group’s request that the terms of reference of the Licensing Committee be reviewed, the Licensing Solicitor submitted a report suggesting various changes clarifying the matters that were understood to be the business of the Licensing Committee. In addition, the Licensing Solicitor suggested that the wording be made clearer in relation to the Committee’s role in recommending fees for all areas covered by the Committee.

During the discussion on the Terms of Reference and Scheme of Delegation Members requested that a report be brought to the Committee in relation the Gambling Act Policy and in particular whether the Policy could deal with proliferation of premises licenced under the Gambling Act within high street areas across the District. Members understood that considering the Gambling Act Policy may be a lengthy process and requested that an update on progress be brought to the next Committee.
Resolved – (1) That, the Licensing Department is required to send a list of applications received on a weekly basis to Members.

(2) That, new premises licenses under the Gambling Act are removed from the Scheme of Delegation to Officers and all applications for a new premises licence under the said Act are determined by the Licensing and Appeals Sub-Committee.

(3) That, the powers set out in the wording as set out in Appendix D to the report now submitted, subject to minor amendments (to include clarification in relation to applications where a representation is made and sensitive matters) are delegated to the Corporate Head of Business Support and Director of Services.

RECOMMENDED – (4) That, subject to minor amendments, the Terms of Reference as set out in Appendix B to the Licensing Solicitor’s report (and reproduced below) are adopted.

APPENDIX B : SUGGESTED TERMS OF REFERENCE (incorporating minor amendments)

LICENSING COMMITTEE
The Licensing Committee will exercise the all the Council’s powers relating to the discharge by the Council of its licensing functions, subject to its recommending policy for those areas that fall outside the budget or framework policy which will be submitted to the Council Meeting for approval or adoption.

For the avoidance of doubt, the Licensing Committee will recommend fees to the Council Meeting for approval or adoption for all the Council’s licensing functions.

The Licensing Committee will (save as set out above) exercise all the Council’s licensing and registration functions including relating to:

(a) licensing under the Licensing Act 2003
(b) gambling or gaming under the Gaming Act 1968 and the Gambling Act 2005
(c) decisions upon applications under Schedule 1 part B of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
(d) the control of sex establishments pursuant to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009
(e) licensing under the Scrap Metal Dealers Act 2013

The Licensing Committee will set the parameters within which licensing applications will be dealt with by this Committee or the Licensing Sub Committee or under the Scheme of Delegation to Officers.

LICENSING AND APPEALS SUB COMMITTEE
To determine matters relating to the discharge by the Council of its licensing and gambling related functions under the Licensing Act 2003, the Gaming Act 1968 and Gambling Act 2005, and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 namely:
(a) Licensing Act 2003
To discharge any function exercisable by the full committee in respect of any application, licence, permit or consent subject to any direction given by the full committee.

(b) Gambling Act 2005
To discharge any function exercisable by the full committee in respect of any application, licence, permit or consent subject to any direction given by the full committee. In particular, the Licensing and Appeals Sub Committee shall determination new premise licence applications under the Gambling Act.

(c) Local Authorities (Functions and Responsibilities) (England) Regulations 2000
To discharge any function exercisable by the full committee subject to any direction given by the full committee and to act as an Appeals Panel from Officer decisions upon applications under part B of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

(d) all other applications and appeals relating to the Council’s licensing functions, which are not delegated to officers.

In respect of Hackney Carriage and Private Hire licences the Licensing and Appeals Sub-Committee will determine matters where an Officer is minded to refuse an application or revoke a licence.