

Title of Report	Establishment and Composition of the Licensing Sub-Committees 2022/23
For Consideration By	Licensing Committee
Meeting Date	31 May 2022
Classification	Open
Ward(s) Affected	N/A
Director	Dawn Carter-McDonald, Director of Legal, Democratic & Electoral Services

1. **Summary**

- 1.1. This report requests that the Licensing Committee establish its Sub Committees for the municipal year 2022/2023 as set out in Appendix 1 to this report.
- 1.2. Appointments to the Licensing Committee are subject to the approval of Full Council at its Annual Meeting on 25 May 2022.
- 1.3. The terms of reference of Licensing Sub-Committees are as set out in Part 3 of the Council's Constitution.

2. **Recommendations**

- 2.1. **That the establishment and membership of five Sub Committees (A-E) as set out in Appendix 1 to the report be approved.**

3. **Background**

- 3.1. Full Council is responsible for appointing the Chair, Vice Chair and membership of the Licensing Committee. The Licensing Committee is to establish and appoint (one or more) Sub-Committees, and approve the delegations of functions to those Sub-Committees and any additional Sub-Committee hearing procedures over and above the Council's Procedure Rules as set out in Part 3 of the Council's Constitution. (Licensing Act 2003, s 7(1), s9 and s10(1)(a)).
- 3.2. It is proposed that five sub committees (A-E) are set up which are drawn from the membership of the Licensing Committee. Sub-Committees will lead

on considering and resolving all matters relating to the licensing, certification and registration functions of the Council which fall within the functions of the Licensing Committee.

- 3.3. Licensing Sub-Committees have responsibility for all matters relating to the discharge by the licensing authority of its licensing and related functions under the Licensing Act 2003 s4(1), with a view to promoting the four licensing objectives:
 - The prevention of crime & disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 3.4. Licensing Sub-Committees consider applications for new and existing licences under the Licensing Act 2003; licences for the sale of alcohol, public entertainment, cinemas, theatres, late night refreshment houses, and night cafés. They are also responsible for hearing appeals against decisions made by officers carrying out delegated licensing functions. Councillors will receive regular support to fulfil their role from legal and licensing officers.
- 3.5. Its functions are also governed by the Gambling Act 2005, Schedule 3 Local Government (Miscellaneous Provisions) Act and Part II of the London Local Authorities Act 1991.
- 3.6. The Licensing Committee is not an ordinary committee because it is established under s6 of the Licensing Act 2003, which prescribes that it must contain not less than 10 and not more than 15 members. The Licensing Sub-Committees are similarly not ordinary committees, as these exist by virtue of section 10 of the Licensing Act 2003, which permits the delegation of the functions of the Licensing Committee to one or more sub-committees. However, the Council has previously applied the political balance rules to this Committee and this convention has been followed again this year with the establishment of this Committee. The Sub-Committees to be established will not be subject to the political balance rules.

4. **Comments of the Group Director of Finance and Corporate Resources.**

- 4.1. There are no additional budgetary implications arising from the information outlined in this report. All costs are contained within the current approved budget.

5. **Comments of the Director of Legal, Democratic and Electoral Services**

- 5.1. The Council has delegated its licensing functions to the Licensing Committee.
- 5.2. Section 9(1) of the Licensing Act 2003 provides that a licensing committee may establish one or more sub-committees consisting of three members of

the committee. The establishment of Licensing Sub-Committees A-E complies with these requirements.

- 5.3. The Licensing Committee has previously issued a standing delegation to any Sub-Committee that may be established authority to hear and determine applications set out in the Licensing Act 2003 and the Gambling Act 2005. The Licensing Committee has also delegated to the Sub-Committees authority to hear and determine applications under the Local Government (Miscellaneous Provisions) Acts for Sexual Entertainment Venues.

Appendices

Appendix 1 - Composition of Licensing Sub Committees A-E 2022/23

Background documents

None

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