

Democratic Services

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Date: 21 January 2013

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To: All Members of the Licensing Committee

Councillors: Sarah Bevan, Gabriel Batt, John Bull, Bryan Chalker, Anthony Clarke, Gerry Curran, Douglas Nicol (Chair), June Player, Manda Rigby, Dine Romero, Tim Warren and Chris Watt

Chief Executive and other appropriate officers
Press and Public

Dear Member

Licensing Committee: Tuesday, 29th January, 2013

You are invited to attend a meeting of the **Licensing Committee**, to be held on **Tuesday, 29th January, 2013 at 2.00 pm** in the **Kaposvar Room - Guildhall, Bath**.

The agenda is set out overleaf.

Yours sincerely



Sean O'Neill
for Chief Executive

If you need to access this agenda or any of the supporting reports in an alternative accessible format please contact Democratic Services or the relevant report author whose details are listed at the end of each report.

This Agenda and all accompanying reports are printed on recycled paper

NOTES:

- 1. Inspection of Papers:** Any person wishing to inspect minutes, reports, or a list of the background papers relating to any item on this Agenda should contact Sean O'Neill who is available by telephoning Bath 01225 395090 or by calling at the Riverside Offices Keynsham (during normal office hours).
- 2. Public Speaking at Meetings:** The Council has a scheme to encourage the public to make their views known at meetings. They may make a statement relevant to what the meeting has power to do. They may also present a petition or a deputation on behalf of a group. Advance notice is required not less than two full working days before the meeting (this means that for meetings held on Wednesdays notice must be received in Democratic Services by 4.30pm the previous Friday)

The public may also ask a question to which a written answer will be given. Questions must be submitted in writing to Democratic Services at least two full working days in advance of the meeting (this means that for meetings held on Wednesdays, notice must be received in Democratic Services by 4.30pm the previous Friday). If an answer cannot be prepared in time for the meeting it will be sent out within five days afterwards. Further details of the scheme can be obtained by contacting Sean O'Neill as above.

- 3. Details of Decisions taken at this meeting** can be found in the minutes which will be published as soon as possible after the meeting, and also circulated with the agenda for the next meeting. In the meantime details can be obtained by contacting Sean O'Neill as above.

Appendices to reports are available for inspection as follows:-

Public Access points - Riverside - Keynsham, Guildhall - Bath, Hollies - Midsomer Norton, and Bath Central, Keynsham and Midsomer Norton public libraries.

For Councillors and Officers papers may be inspected via Political Group Research Assistants and Group Rooms/Members' Rooms.

- 4. Attendance Register:** Members should sign the Register which will be circulated at the meeting.
- 5. THE APPENDED SUPPORTING DOCUMENTS ARE IDENTIFIED BY AGENDA ITEM NUMBER.**
- 6. Emergency Evacuation Procedure**

When the continuous alarm sounds, you must evacuate the building by one of the designated exits and proceed to the named assembly point. The designated exits are sign-posted.

Arrangements are in place for the safe evacuation of disabled people.

Licensing Committee - Tuesday, 29th January, 2013

at 2.00 pm in the Kaposvar Room - Guildhall, Bath

A G E N D A

1. EMERGENCY EVACUATION PROCEDURE

The Chair will draw attention to the emergency evacuation procedure as set out under Note 7.

2. ELECTION OF VICE-CHAIR (IF DESIRED)

3. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

4. DECLARATIONS OF INTEREST

At this point in the meeting declarations of interest are received from Members in any of the agenda items under consideration at the meeting. Members are asked to indicate:

(a) The agenda item number in which they have an interest to declare.

(b) The nature of their interest.

(c) Whether their interest is **a disclosable pecuniary interest** *or* an **other interest**, (as defined in Part 2, A and B of the Code of Conduct and Rules for Registration of Interests)

Any Member who needs to clarify any matters relating to the declaration of interests is recommended to seek advice from the Council's Monitoring Officer before the meeting to expedite dealing with the item during the meeting.

5. TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

6. ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

7. MINUTES: 9 OCTOBER 2012 (Pages 5 - 6)

8. DESIGNATED PUBLIC PLACES ORDER TO CONTROL STREET DRINKING IN MIDSOMER NORTON (Pages 7 - 22)

9. CHANGE TO SCHEME OF DELEGATION (Pages 23 - 30)

10. PROPOSED CHANGES TO THE LICENSING COMMITTEE TERMS OF REFERENCE (Pages 31 - 48)

The Committee Administrator for this meeting is Sean O'Neill who can be contacted on 01225 395090.

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BATH AND NORTH EAST SOMERSET

LICENSING COMMITTEE

Tuesday, 9th October, 2012

Present:- Councillors Sarah Bevan (Chair), Gabriel Batt, Martin Veal, Patrick Anketell-Jones, Gerry Curran, Katie Hall, Manda Rigby, Dine Romero and Tim Warren

Also in attendance: Andrew Jones (Environmental Monitoring and Licensing Manager) and Shaine Lewis (Senior Legal Adviser)

10 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer drew attention to the emergency evacuation procedure set out on the agenda.

11 ELECTION OF VICE-CHAIR (IF DESIRED)

RESOLVED that no Vice-Chair be required for the meeting.

12 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Bryan Chalker - Councillor Martin Veal was his substitute, Councillor Anthony Clarke – Councillor Patrick Anketell-Jones was his substitute, Councillor Douglas Nicol – Councillor Katie Hall was his substitute. Apologies were also received from Councillor June Player.

13 DECLARATIONS OF INTEREST

There were none.

14 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was none.

15 ITEMS FROM THE PUBLIC - TO RECEIVE DEPUTATIONS, STATEMENTS, PETITIONS OR QUESTIONS

There were none.

16 MINUTES: 7TH AUGUST 2012

RESOLVED that the minutes of the meeting held on 7th August 2012 be confirmed as a correct record and signed by the Chair(person).

17 REVIEW OF THE COUNCIL'S STATEMENT OF PRINCIPLES UNDER THE GAMBLING ACT 2005

The Committee considered the report which gave details of the responses received to the consultation exercise on the Review of the Council's Statement of Principles under the Gambling Act 2005. The report then sought determination of the officer recommendations before the report is presented to Full Council for adoption.

The Chair invited Members to look at Annex A, the responses to the 2012 consultation. Members accepted the officer response to each consultee.

It was noted that a signature was included with the annex and the officer confirmed that this would be removed from the public website.

Councillor Tim Warren moved the officer recommendations at 2.1 and 2.2, Councillor Dine Romero seconded the proposal.

In relation to paragraph 16.2 of the draft Statement of Principles, Councillor Warren asked that '...working at bingo and casino premises...' be deleted, this was agreed. Councillor Gerry Curran suggested that this be replaced with '...working at licensed premises...'. This was accepted by the mover and seconder.

RESOLVED (unanimously) that

- (1) The responses to the consultation exercise be noted and it be agreed that the officer recommendations be incorporated into the revised Statement of Principles; and
- (2) The draft Statement of Principles, provided in Annex B and amended in paragraph 16.2, be presented to Council for adoption.

The meeting ended at 10.14 am

Chair(person)

Date Confirmed and Signed

Prepared by Democratic Services

Bath & North East Somerset Council	
MEETING:	Licensing Committee
MEETING DATE:	29 January 2013
TITLE:	Designated Public Places Order to control street drinking in Midsomer Norton
WARD:	ALL
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
Appendix 1- maps of the proposed designated area – ‘A’ showing the area prior to consultation & ‘B’ showing the area as amended by the consultation	
Appendix 2- Equalities Impact Assessment January 2013	

1 THE ISSUE

- 1.1 The Criminal Justice and Police Act 2001 gives the local authority powers to make a Designated Public Places Order (DPPO). A DPPO designates places where restrictions on public drinking apply and is used to address nuisance or annoyance associated with the consumption of alcohol in a public place. At its meeting of 8 November 2012, the Council delegated authority to make these orders to Licensing Committee.
- 1.2 The Council agreed that a formal consultation should commence on proposals to designate an area of Midsomer Norton Town under the powers granted by the 2001 Act.
- 1.3 This report provides an overview of the results of that consultation (which was conducted to include the statutory 28 day consultation period - from 15 November 2012 to 13 December 2012), and seeks members’ approval to put in place arrangements to restrict the consumption of alcohol by ‘designation of a public place’ in Midsomer Norton.

2 RECOMMENDATION

The Licensing Committee is asked to agree that in support of the local community and businesses:-

- 2.1 The area of Midsomer Norton bounding the High Street, as shown on the attached map labelled ‘B’ to be designated as an area where the Police and other accredited persons may use the powers as granted by the 2001 Act.

3 FINANCIAL IMPLICATIONS

- 3.1 Minor capital costs are associated with erecting signs at key locations around the designated area. Based on the findings of the consultation undertaken in Midsomer Norton, eleven locations have been identified for signage. The costs to Bath and North East Somerset Council will be no more than £1k and can be met from the current Community Safety revenue budget.

- 3.2 There will be a small revenue cost to meet legal fees and advertisement for the designation order. As at 3.1 above these can be met from the current Community Safety revenue budget.

4 THE REPORT

The Criminal Justice and Police Act 2001

- 4.1 The 2001 Act (ss 12 to 16) gives the Police the power to seize and dispose of alcohol which is in an open or closed container. If a police officer or other accredited person has a reasonable belief that a person (within the designated area) is or, has been drinking alcohol and is involved in - or has the potential to cause nuisance or anti-social behaviour - they can ask the person to stop drinking. They may also tell the person to hand over any alcohol whether in an open or closed container. If a person, so requested, refuses to hand over the alcohol, they will be committing an offence.
- 4.2 The 2001 Act provides the Police or other accredited persons (namely Midsomer Norton's Street Marshal') with the power to enforce this restriction. However, an offence is only committed if a person fails to comply with such a request from a police officer}. Penalties for this offence include a penalty 'Notice for Disorder' or arrest, prosecution and fine.
- 4.3 To enable a DPPO to be set up, the 2001 Act requires that in the place to be designated, there is demonstrable nuisance, annoyance to members of the public or antisocial behaviour.
- 4.4 The local authority will need to designate the proposed area to enable Police officers and accredited persons to use the powers under the 2001 Act.
- 4.5 This power is not intended to lead to a ban on drinking in a designated public place but aims to restrict alcohol within identified problematic hotspot areas. Thereby, enabling the Police or accredited persons to intervene at an early stage where there is a risk of antisocial behaviour escalating and before any criminal offences are committed.
- 4.6 The power would not apply to any premises which are licensed for the consumption of alcohol. This includes areas outside licensed premises where permission has been given under the Highways Act 1980 for consumption of alcohol purchased in that premises.

5. THE CONSULTATION PROCESS

- 5.1 A comprehensive consultation was undertaken on the proposal to designate an area of Midsomer Norton Town. Details of the consultation outcomes are given below 5.2.
- 5.2 There were 42 written responses:
- From the Police, a formal response advising of their support, also highlighting the need to monitor any possible displacement.
 - The Secretary of the Midsomer Norton Social Club replied on behalf of members stating their support
 - There were 38 responses from residents of Redfield Road, applauding the initiative but stating their concern that the proposed area stopped at the end of their street and that it should instead encompass Redfield Road.
 - Westfield Parish Council, requesting that the DPPO be extended or a separate process be set up.

6. RISK MANAGEMENT

- 6.1 Consideration of existing extensive feedback from local people and agency data, including Police statistics, clearly identified the area (shown on map A, as used in the consultation) as of greatest concern to the community and having the highest level of antisocial behaviour and low level violence in the town as well as a concentration of licensed premises. Consequently, these schemes were designed as means of assisting in enhancing the safety and improve the environment in and around the high street.
- 6.2 A key risk in introducing any crime or antisocial behaviour reduction initiative in a single local area is that of displacement. Efforts were made to identify a discrete area around the High Street, which would readily be managed by use of the DPPO.
- 6.3 In designing the area every effort was made to minimise displacement effects. However, the consultation threw up concerns from the residents of Redfield Road as seen above. In response to their well-argued case for extending the area and to tackle displacement issues identified by these residents the area has been extended as shown in Map B.
- 6.4 Westfield Parish asked for their parish to be designated. As Westfield Parish was not included within the published notice and, identified as an area to be designated, a separate process would therefore need to be undertaken as required by the Act.

7. EQUALITIES

- 7.1 An Equalities Impact Assessment was conducted after completion of the consultation. This timing was to ensure that any views or concerns expressed would inform this assessment. No adverse or other significant issues were found - this is a positive initiative which is widely welcomed by the communities of Midsomer Norton.

8. CONSULTATION

- 8.1 Ward Councillor; Cabinet Member; Parish Council; Town Council; Staff; Other B&NES Services; Service Users; Local Residents; Community Interest Groups; Stakeholders/ Partners; Other Public Sector Bodies.
- 8.2 Consultation was undertaken including the legal requirement to publish the proposed Order in the local press. In addition to this the local paper published an article on the proposal and publicised the public events to be held at the Town Hall.
- 8.3 Invitations to comment were sent to Westfield Parish Council and Radstock Town Council, further invitations were hand delivered to the all licensed premises and fast food venues, cafes and shops in the area the Methodist Church on the High Street and the Leisure centre. Others included:
- Notices placed at public locations including the Town Hall
 - Sainsbury's Supermarket ran a wider information event which included information on the DPPO.
 - The local radio station Somer FM featured information on the proposal.
 - A consultation was set up on the Council's website
 - The information was also posted on the Midsomer Norton's website
 - Two public consultation events were organised at the Midsomer Norton Town Hall, one taking place in the afternoon a further one two days later during the evening
 - Members of the CAP group took the proposal to the local pub watch meeting and invited feedback on the proposal.

8.4 All written material included details of the public events, the online consultation and contact details of staff.

9. ISSUES TO CONSIDER IN REACHING THE DECISION

9.1 Young People; Human Rights; Corporate; Health & Safety; Crime and Disorder Act 1998.

10. ADVICE SOUGHT

Authors are asked to ensure that relevant officers or their senior representatives are consulted.

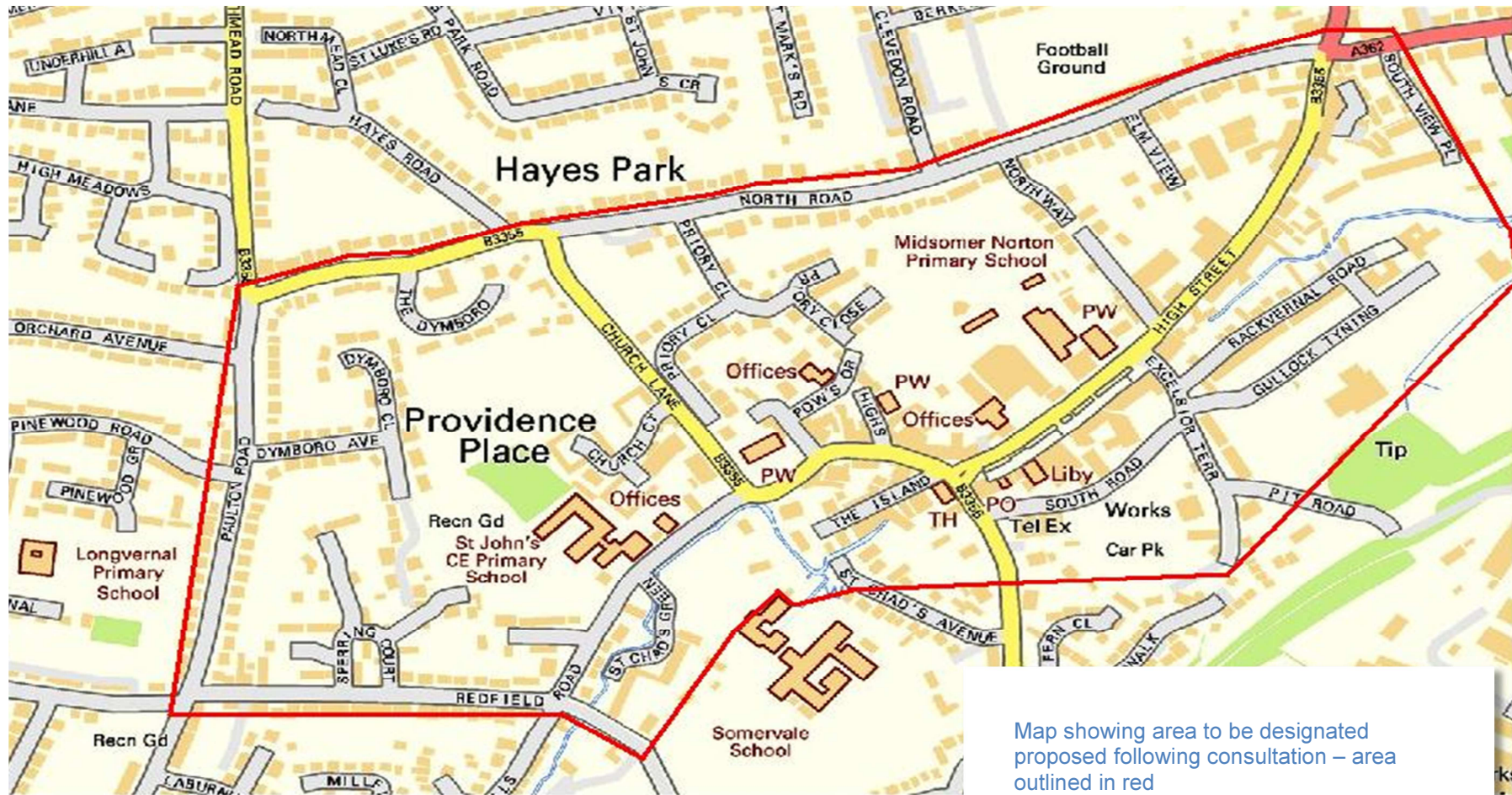
Contact person	Lores Savine 01225 396420 or Sue Dicks 01225 477415
Background papers	<ul style="list-style-type: none">• Report to Council 25th March 2004 - Designated Public Places Order to ban street drinking in Bath• Minutes of Cabinet meeting of 12th September 2012, ref Councillor's question M04.• Criminal Justice and Police Act 2001• The Local Authorities (Alcohol Consumption in Designated Public Places) Regulation 2007• Report to Council - Designated Public Places Order to Control Street Drinking in Midsomer Norton 8th November• Equalities Impact Assessment January 2013 - Designated Public Places Order to control street drinking in Midsomer Norton
Please contact the report author if you need to access this report in an alternative format	

Midsomer Norton - Map 'A' - was used to support the public consultation on the DPPO Proposal, showing the area prior to consultation



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**Map 'B' – Area proposed for DPPO following Public Consultation
Midsomer Norton Public Place Order**



Map showing area to be designated proposed following consultation – area outlined in red

Main roads are:-
North Rd, Paulton Rd and Redfield Rd - These make up the boundary on 3 sides The 4th side covers the skate park but is not using a defined road.

Other main roads included in the area:-
High St, Church Lane, South Rd, Gullocks Tying, The Island

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Equality Impact Assessment / Equality Analysis

Title of service or policy	Designated Public Places Order to control street drinking in Midsomer Norton
Name of directorate and service	Resources and Support Services, Policy & Partnerships, Community Safety
Name and role of officers completing the EIA	Lores Savine, Community Safety Officer
Date of assessment	December 2012

Equality Impact Assessment (or 'Equality Analysis') is a process of systematically analysing a new or existing policy or service to identify what impact or likely impact it will have on different groups within the community. The primary concern is to identify any discriminatory or negative consequences for a particular group or sector of the community. Equality impact Assessments (EqIAs) can be carried out in relation to service delivery as well as employment policies and strategies.

This toolkit has been developed to use as a framework when carrying out an Equality Impact Assessment (EqIA) or Equality Analysis on a policy, service or function. It is intended that this is used as a working document throughout the process, with a final version including the action plan section being published on the Council's and NHS Bath and North East Somerset's websites

1. Identify the aims of the policy or service and how it is implemented.		
	Key questions	Answers / Notes
1.1	<p>Briefly describe purpose of the service/policy including</p> <ul style="list-style-type: none"> • How the service/policy is delivered and by whom • If responsibility for its implementation is shared with other departments or organisations • Intended outcomes 	<p>In 2011, in the true spirit of Localism Midsomer Norton Town Council working with officers from Bath and North East Somerset Council formed a local Community Alcohol Partnership (CAP). The CAP was set up in response to concerns voiced by local people about alcohol fuelled anti-social behaviour.</p> <p>Through a process of consultation with key stakeholders, including local community and licensed premises, CAP enabled discussions concerning the feasibility of putting in place arrangements to restrict the consumption of alcohol in designated public places in Midsomer Norton.</p> <p>Sections 12 to 16 of the Criminal Justice and Police Act 2001 enables local authorities to introduce a Designated Public Place Order (DPPO). This power is not intended to lead to a ban on drinking in a designated public place. It sets out to restrict alcohol within identified hotspot areas. The Act also provides the police or other accredited persons with the power to enforce this restriction</p> <p>The aim of these powers is to reduce the incidence of alcohol related nuisance and antisocial behaviour by giving the Police or accredited person the power to intervene at an early stage where there is a risk of antisocial behaviour. Importantly with the intention of preventing problems escalating and dealing with incidents before any criminal offences are committed. Under this legislation the Police or accredited person is empowered to seize and dispose of alcohol which is in an open or closed container. Failure to comply with such a request made by a police officer is an arrestable offence punishable by a fine.</p>

		<p>This order will not be used to remove alcohol from those enjoying a peaceful drink. The purpose is to ensure that Midsomer Norton is a safer more pleasant place for visitors and local residents and not to prevent law abiding people from enjoying themselves.</p> <p>This proposal has the full support of all partners involved in the CAP, these include the police, youth service, licensing and of course community representatives.</p>
1.2	<p>Provide brief details of the scope of the policy or service being reviewed, for example:</p> <ul style="list-style-type: none"> • Is it a new service/policy or review of an existing one? • Is it a national requirement?). • How much room for review is there? 	<p>In England, sections 12 to 16 of the Criminal Justice and Police Act 2001 gives local authorities the power to make a designation order. Bath has a DPPO which has been in place since 2004. In granting the order the Council stated that at that time there was little support for proposals to introduce DPPOs in Keynsham, Radstock and Midsomer Norton. However it was agreed that:</p> <p><i>'The Council is asked to advise Parish and Town Councils that they may seek designation at any future time if there is evidence of alcohol related antisocial behaviour involving adults and if the Police are in favour of designating a particular area.'</i></p> <p>The Home Office document 'Guidance on Designated Public Place Orders' advises that it would be good practice to review the DPPO at least every two years. In Midsomer Norton the CAP would review the DPPO after twelve months have elapsed. The aim of the evaluation is to find out whether:</p> <ul style="list-style-type: none"> • the DPPO has stopped/helped to reduce alcohol-related anti-social behaviour/disorder. If it has • the DPPO still required? • the area covered by the DPPO need to be reviewed? • And to develop a clearer picture of who the main perpetrators are <p>Under section 13 (3) of the Criminal Justice and Police Act 2001, local authorities have the power to revoke a DPPO. Only once a process of consultation and publicity has been completed. Any local authority which revokes a DPPO must notify the Home Office.</p>
1.3	<p>Do the aims of this policy link to or conflict with any other policies of the Council?</p>	<p>The introduction of a DPPO in Midsomer Norton supports the Council's aim to encourage localism. It further supports the Alcohol Strategy and the Community Safety Partnership Plan in particular its aims of addressing anti-social behaviour and supporting the night time economy.</p>

2. Consideration of available data, research and information		
Monitoring data and other information should be used to help you analyse whether you are delivering a fair and equal service.		
	Key questions	Data, research and information that you can refer to
2.1	What is the equality profile of the team delivering the service/policy?	The Team is made up of 2 staff, with such a small number description of equality characteristics would not be appropriate
2.2	What equality training have staff received?	Members of the Community Safety team have undergone equality refresher training and briefings on writing equality analysis within the last 3 years.
2.3	What is the equality profile of service users?	<p>This EqIA concerns the introduction of a legal power rather than a service there are no service users as such. However the DPPO is intended to have positive impact on community life in Midsomer Norton as it aims to reduce anti-social behaviour related to street drinking. It is not designed to target any specific sections of the community but be of benefit to all who use the Town's entertainment facilities.</p> <p>The proposal will benefit law abiding residents but will also benefit those who may look to engage in ASB, especially, on weekend nights. As it will empower the police and accredited persons to 'nip alcohol fuelled incidents in the bud' with a potential to reduce the need for arrests and reduce the level of violence.</p>
2.4	What other data do you have in terms of service users or staff? (e.g results of customer satisfaction surveys, consultation findings). Are there any gaps?	<p>Midsomer Norton Town Council made an election pledge to address alcohol related nuisance within the Town. At that time a ban was identified as a one of the possible tools for addressing the problem. Although there was wide spread support for a ban or the DPPO the CAP group wanted to develop a robust and overarching approach to the problems. The first steps in achieving this were to develop a partnership action plan, based on statistics and data held by partner agencies and the results of community consultation.</p> <p>Throughout the development of the action plan the CAP has worked hard to continually update its understanding of the needs and concerns of the people who live in, work in or visit the Town and to review the impact of the action plan. It is clear that the DPPO has widespread appeal. CAP feels that as a structure is now in place (that is the CAP group and the Action Plan) it is confident that it has the means to manage, oversee and monitor the DPPO.</p>
2.5	What engagement or consultation has been undertaken as part of this	Police crime data highlights Friday and Saturday night as particularly problematic for ASB and street nuisance in and around the main entertainment area of the town. To

	EIA and with whom?	<p>further understand the effects of this and to ensure that areas of community concern are targeted specific consultation has been commissioned to enable local communities to highlight what they find problematic.</p> <p>Consultation has included a town survey, more specifically a widespread consultation with residents, traders and licensees to gage the feelings about the potential of introducing the DPPO.</p> <p>Methods used include:</p> <ul style="list-style-type: none"> • Town Survey • Online survey • Letters to key stakeholders including the Police and neighbouring parish councils. • Letters to licensees • Attendance and presentations at pub watch meetings • Two public meetings at the Town Hall <p>There was unanimous support for the introduction of the DPPO</p>	
3. Assessment of impact: 'Equality analysis'			
	<p>Based upon any data you have considered, or the results of consultation or research, use the spaces below to demonstrate you have analysed how the service or policy:</p> <ul style="list-style-type: none"> • Meets any particular needs of equalities groups or helps promote equality in some way. • Could have a negative or adverse impact for any of the equalities groups 		
		Examples of what the service has done to promote equality	Examples of actual or potential negative or adverse impact and what steps have been or could be taken to address this
3.1	<p>Gender –women and men. Race –different ethnic groups Pregnancy&maternity. Transgender issues Disability</p>	<p>The CAP Action Plan has three key aims, Education, Enforcement and Public Perception.</p> <p>Measures such as DPPO, a pilot street marshal scheme and a specific focus on the operation of licensed premises have been developed under the enforcement heading.</p>	<p>Individuals of either gender engaged involved in or who are considered likely to engage in anti-social behaviour and who have alcohol on them, who may or may not be drinking that alcohol, may be asked to</p>

	<p>(consideration for both physical and mental impairment).</p> <p>Sexual orientation lesbians, gay, bisexual & heterosexual people</p> <p>Marriage and civil partnership –married & civil partnered people</p> <p>Religion/belief - different religious/faith groups and those with no religion.</p> <p>Socio-economically disadvantaged –factors like family background, educational attainment, neighbourhood, employment status influencing life chances</p> <p>Rural communities – people living in rural communities</p>	<p>A great deal has been done around public perception. For example the route of the walkabout mentioned above was planned in consultation with local residents. Representatives of local community groups were also involved in the walkabout (see below 3.2). They were thereby, able to witness for themselves that rather than the protagonists being underage those who were visibly drinking and unruly were almost exclusively adults.</p> <p>A number of public events have been organised, including an event at the local Sainsbury's where discussions were held with shoppers and information about the CAP/DPPO was given out.</p> <p>Education, a continuing programme of work is in place, including training and resources for retailers to enable the reduction of underage and proxy sales. Work with the local schools, parents and cares to deliver and reinforce positive messages and to demonstrate their role in modelling healthy behaviours around alcohol.</p> <p>Also training has been provided to teachers to strengthen their ability to work appropriately with young people who may be engaged in underage drinking.</p>	<p>stop drinking and or to hand over the alcohol by a police officer or accredited person.</p> <p>An offence is only committed if the person in question refuses to comply with such a request from a police officer or accredited person</p> <p>Use of this legislation should assist in reducing the incidence and level of ASB within Midsomer Norton and reduce the likelihood that incidents of drink fuelled ASB could escalate into more serious offending.</p>
3.2	<p>Age –different age groups</p>	<p>Specific legislation is already in place which enables officers to challenge and remove alcohol from people under the age of 18 who are drinking or in possession of alcohol.</p> <p>Members of the CAP did a walkabout, of the area identified for the DPPO, on a Friday night in August. This was done between 5.30pm and 2am. Despite being advised that it had been an unusually quiet night they witnessed significant incidents of noise and nuisance and the behaviour of two discrete groups. The available data supports the view that there are two</p>	

		<p>distinctive groups using the area in question throughout any Friday or Saturday evening.</p> <p>(a) In the areas where the younger people congregated, primarily in and around the skate park, there was what can only be described as an excessive amount of litter most of it soft drinks and fast food containers, there was a small quantity of larger cans and bottles.</p> <p>The local police have identified some instances of underage drinking. However, it is believed that the young people mainly pre-load (that is drink at home before coming out) or are subject to proxy sales (that is they have alcohol supplied to them by older people who buy it on their behalf). There is, as said above legislation in place which enables the police to deal with underage drinking, and the supply of alcohol to young people under the age where they are legally entitled to drink. The DDPO is not intended to directly tackle their behaviour and as set out at 3.1 above a more educative or developmental approach is considered most beneficial in dealing with young people.</p> <p>The DPPO may assist to impact on proxy buying as alcohol could be confiscated in any instance where it is believed that it was being supplied to someone underage.</p> <p>(b) Where the DPPO should have the greatest impact is in dealing with the older group of drinkers. It is believed that this group is more likely to be in their 20's, 30's and significantly older.</p> <p>During the walkabout the CAP witnessed a number of people, both young men and women, mainly in their 20's and 30's leaving various licensed premises, singing and talking loudly</p>	
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		whilst carrying bottles or glasses of partly consumed drink, that appeared to be alcohol. Near the premises they visited the CAP also saw a number of discarded bottles and glasses.	
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4. Bath and North East Somerset Council & NHS B&NES Equality Impact Assessment Improvement Plan

Please list actions that you plan to take as a result of this assessment. These actions should be based upon the analysis of data and engagement, any gaps in the data you have identified, and any steps you will be taking to address any negative impacts or remove barriers. The actions need to be built into your service planning framework. Actions/targets should be measurable, achievable, realistic and time framed.

Issues identified	Actions required	Progress milestones	Officer responsible	By when
Gaps in data on who is likely to be subject to the actions	The findings of the street marshal pilot and police data to be reviewed	1st review end of February at the end of street marshal pilot	Community Safety officer/Police representative	February 2013
Reviewing success of the initiative	Consider agency data, using 2012 as baseline Repeat the walkabout		CAP	February 1014

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5. Sign off and publishing

Once you have completed this form, it needs to be 'approved' by your Divisional Director or their nominated officer. Following this sign off, send a copy to the Equality Team (equality@bathnes.gov.uk), who will publish it on the Council's and/or NHS B&NES' website. Keep a copy for your own records.

Signed off by: David Trethewey (Divisional Director) **Date:** 4.1.2013

Bath & North East Somerset Council	
MEETING: Licensing Committee	
DATE: 29th January 2013	AGENDA ITEM NUMBER
TITLE: Change to Scheme of Delegation	
WARD: All	
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
Annex A: Current Table of Delegation of Functions under the Licensing Act 2003	
Annex B: Extract from Home Office Guidance on Local Authorities acting as Responsible Authorities.	

1 THE ISSUE

- 1.1 The amendments to the Licensing Act introduced by the Police Reform and Social Responsibility Act 2011 provides that the Licensing Authority in whose area the premises lie has a dual role as a 'Responsible Authority' for making representations in respect of an application for a premises licence and also as the adjudicating authority. Therefore, it is important that there is a separation of roles between persons making representations and those who are making the final decision or who are advising the Licensing Authority in its capacity of adjudicating body.
- 1.2 The Licensing Act provides that the Council's power, as Licensing Authority, to delegate authority to an officer to act as a 'Responsible Authority' lies with the Licensing Committee. The Committee are, therefore, recommended to delegate authority to the Environmental Monitoring and Licensing Manager to act on behalf of the Licensing Authority as a 'Responsible Authority' provided that other licensing officers are processing the application.

2 RECOMMENDATION

- 2.1 That the function to make representations is delegated to Officers of the Council specifically the Environmental Monitoring and Licensing Manager. In their absence the function should be delegated to a Senior Manager within the Council's Public protection Service and that the Council's Terms of Reference, and Table of Delegation of Functions, for the Licensing Committee are amended to reflect this change.

3 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from this report as the changes relate to current service procedures.

4 THE REPORT

- 4.1 The Licensing Act 2003 has been amended by the Police Reform and Social Responsibility Act 2011 to give the status of 'Responsible Authority' to the Licensing Authority, thus enabling the Licensing Authority itself to make representations on new applications made in accordance with Section 17 of the 2003 Act; to make representations on variations to licences made in accordance with Section 34 of the 2003 Act, and also to call a review of an existing licence in accordance with 51 of the 2003 Act.
- 4.2 The Police and Social Responsibility Act 2011 came into effect on 25th April 2012. Section 103 of that Act amends the Licensing Act 2003 to make the Licensing Authority a 'Responsible Authority'. This is in addition to the existing 'Responsible Authorities'.
- 4.3 Bath & North East Somerset Council is the Licensing Authority within the district. The Licensing Committee has responsibility for discharging licensing functions on behalf of the Licensing Authority. Therefore delegation from the Committee is requested to establish how the role of 'Responsible Authority' will be carried out. Section 10 of the Licensing Act 2003 permits the Licensing Committee to discharge certain functions to an officer of the Licensing Authority.
- 4.4 All 'Responsible Authorities' are entitled to make representations in relation to applications for grant, variation or review of a premises licence or club premises certificate. Representations must be relevant and relate to the promotion of one or more of the four licensing objectives. It is for the Licensing Authority to determine when there are appropriate grounds to make representations. For further information on determination of applications please refer to the Licensing Act 2003 and the Guidance issued under section 182 of the Licensing Act 2003.
- 4.5 The role of 'Responsible Authority' needs to be separated from the role of Licensing Officer. It is proposed that the Environmental Monitoring and Licensing Manager takes on the responsibility of Responsible Authority so as to provide a separation of responsibilities from the Licensing Officer handling the application. In their absence this role would be taken on by one of the other Senior Managers within the Public protection Service.
- 4.6 For more information and explanation on Licensing Authorities acting as 'Responsible Authorities' see paragraphs 9.13 to 9.19 of the Guidance issued under section 182 of the Licensing Act 2003 a copy of which is provided in Annex B.

5 RISK MANAGEMENT

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
<p>That the function to make representations is delegated to officers of the council, specifically the environmental monitoring and licensing manager. In his absence the function should be delegated to senior licensing officers.</p>	<p>If the proposed amendments and additions are not made to the delegation of functions the efficiency of the licensing Service could be reduced, and claims could be made that the Council are not acting in an impartial or appropriate manner. This would be an opportunity to ensure procedural fairness and eliminate conflicts of interest.</p> <p>If the proposed amendments are not made the efficiency, impartiality and ability of the Licensing Authority to carry out its functions would be compromised. For example, failure to separate the functions of determining body and responsible authority will result in conflicts of interest and failure to delegate the function to act as a Responsible Authority will prevent the Authority from discharging its statutory functions.</p>	<p>The amendments of the Delegation of functions will reduce the risk of legal challenge to the licensing process.</p> <p>The proposed changes in this report are adopted.</p>

6 EQUALITIES

6.1 Equalities Impact Assessment

An Equalities Impact Assessment was completed by the Government before the main consultation on the original proposals and the conclusions were that there are no adverse or negative impacts of opportunity for any equality target group or for any reasons.

7 CONSULTATION

- 7.1 This report has not been sent to the Trades Union because they would have no involvement in this application.

8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 Human Rights Act and Other Legal Implications

Section 1 and Schedule 1 Part 1 and 11 of the Human Rights Act 1998 apply; Article 1 - Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest.

Article 6 - That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal by law.

9 ADVICE SOUGHT

- 9.1 The Council's Monitoring Officer (Council Solicitor) and Section 151 Officer (Strategic Director - Support Services) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Andrew Jones, Environmental Monitoring & Licensing Manager, Telephone (01225) 477672
Background papers	The Licensing Act 2003 The Police Reform and Social Responsibility Act 2011

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING CTTEE	SUB COMMITTEE	OFFICERS
LICENSING ACT 2003				
Approval of Statement of Licensing Policy and review	All cases			
Application for Personal Licence			If a police objection is made	If no objection made
Application for Personal Licence, with unspent convictions			If a police objection is made	If no objection made
Application for Premises Licence/Club Premises Certificate			If a relevant representation is made	If no relevant representation is made
Application for Provisional Statement			If a relevant representation is made	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate			If a relevant representation is made	If no relevant representation is made
Application to vary Designated Premises Supervisor			If a police objection is made	All other cases
Request to be removed as Designated Premises Supervisor				All cases
Application for transfer of Premises Licence			If a police objection is made	All other cases
Application for interim authorities			If a police objection is made	All other cases
Application to review Premises Licence/Club Premises Certificate			All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.				All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application			All cases	
Determination of a police objection to a Temporary Event Notice			All cases	
Determination of Minor Variation applications for premises licences and for club premises certificates				All cases

ANNEX A

Determination of the removal of a Designated Premises Supervisor or Personal Licence Holder at community premises			If a relevant representation is made	All other cases
Applications for the classification of unclassified films			All cases	

EXTRACT FROM THE HOME OFFICE GUIDANCE ON THE LICENSING ACT 2003.**LICENSING AUTHORITIES ACTING AS RESPONSIBLE AUTHORITIES**

- 9.13 Licensing authorities are included in the list of responsible authorities. A similar framework exists in the Gambling Act 2005. The 2003 Act does not require responsible authorities to make representations about applications for the grant of premises licences or to take any other steps in respect of different licensing processes. It is, therefore, for the licensing authority to determine when it considers it appropriate to act in its capacity as a responsible authority; the licensing authority should make this decision in accordance with its duties under section 4 of the 2003 Act.
- 9.14 Licensing authorities are not expected to act as responsible authorities on behalf of other parties (for example, local residents, local councillors or community groups) although there are occasions where the authority may decide to do so. Such parties can make relevant representations to the licensing authority in their own right, and it is reasonable for the licensing authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the licensing authority is aware of relevant grounds to make a representation, it may choose to act in its capacity as responsible authority.
- 9.15 It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority.
- 9.16 The 2003 Act enables licensing authorities to act as responsible authorities as a means of early intervention; they may do so where they consider it appropriate without having to wait for representations from other responsible authorities. For example, the licensing authority may (in a case where it has applied a cumulative impact policy) consider that granting a new licence application will add to the cumulative impact of licensed premises in its area and therefore decide to make representations to that effect, without waiting for any other person to do so.

- 9.17 In cases where a licensing authority is also acting as responsible authority in relation to the same process, it is important to achieve a separation of responsibilities within the authority to ensure procedural fairness and eliminate conflicts of interest. In such cases licensing determinations will be made by the licensing committee or sub committee comprising elected members of the authority (although they are advised by a licensing officer). Therefore, a separation is achieved by allocating distinct functions (i.e. those of licensing authority and responsible authority) to different officials within the authority.
- 9.18 In these cases, licensing authorities should allocate the different responsibilities to different licensing officers or other officers within the local authority to ensure a proper separation of responsibilities. The officer advising the licensing committee (i.e. the authority acting in its capacity as the licensing authority) must be a different person from the officer who is acting for the responsible authority. The officer acting for the responsible authority should not be involved in the licensing decision process and should not discuss the merits of the case with those involved in making the determination by the licensing authority. For example, discussion should not take place between the officer acting as responsible authority and the officer handling the licence application regarding the merits of the case. Communication between these officers in relation to the case should remain professional and consistent with communication with other responsible authorities. Representations, subject to limited exceptions, must be made in writing. It is for the licensing authority to determine how the separate roles are divided to ensure an appropriate separation of responsibilities. This approach may not be appropriate for all licensing authorities and many authorities may already have processes in place to effectively achieve the same outcome.
- 9.19 For smaller licensing authorities, where such a separation of responsibilities is more difficult, the licensing authority may wish to involve officials from outside the licensing department to ensure a separation of responsibilities. However, these officials should still be officials employed by the authority.

Bath & North East Somerset Council	
MEETING: Licensing Committee	
DATE: 29th January 2013	AGENDA ITEM NUMBER
TITLE: Proposed changes to the Licensing Committee Terms of Reference	
WARD: All	
AN OPEN PUBLIC ITEM	
List of attachments to this report:	
Annex A: Current Terms of Reference for the Licensing Committee	
Annex B: Proposed Terms of Reference for the Licensing Committee.	

1 THE ISSUE

- 1.1 As part of the Public Protection Service continual review of operations, looking at creating efficiencies and streamlining processes, it is proposed that the number of Licensing Sub-Committees operating on behalf of the Licensing Committee is reduced from two to one.

2 RECOMMENDATION

- 2.1 That the Committee amend the Terms of Reference for the Licensing Committee to reduce the number of sub-committees from two to one and the political makeup of the sub-committee is amended to reflect the change.
- 2.2 That the changes to the Terms of Reference are introduced from the date of the Council's Annual General Meeting in May 2013.

3 FINANCIAL IMPLICATIONS

- 3.1 The option to reduce the number of sub-committees from two to one does not increase any workload and has the advantage of making savings on the subsistence fee paid to one of the current Chairs. The current allowance for a Licensing Sub-Committee Chair is £4,443.

4 THE REPORT

- 4.1 Previously the Council had one Licensing (Regulatory) Sub-Committee to determine all objected to or contentious licence applications. The authority to grant all other applications had been delegated to officers. With the introduction of the Licensing Act 2003 the volume of applications coming before the committee increased significantly and, as required by the Act, a separate committee was set up to determine applications solely made under that Act. With the introduction of the Gambling Act 2005 the sub-committees Terms of Reference were amended to include applications under this Act as the process for considering applications is very similar to the Licensing Act. This then left the Council with the main Licensing Committee and two sub-committees, the Licensing (Gambling and Licensing) Sub-Committee and the Licensing (Taxis, Street Trading and Miscellaneous) Sub-Committee. The structure and responsibilities of all of these committees are contained in the Council's Terms of Reference a copy of which is provided in Annex A.
- 4.2 A review of the number of committee hearings held by the Council has been carried out as part of an efficiency drive and it has been identified that there has been a significant reduction in the number of reports going before the Licensing (Gambling and Licensing) Sub-Committee. In 2012 there were eight committee hearings with 10 reports going before the committee. All of these reports relate to premises licensed under the Licensing Act and, to date, there have not been any reports to the sub-committee with reference to licences under the Gambling Act.
- 4.3 A review of the number of meetings of the Licensing (Taxis, Street Trading and Miscellaneous) Sub-Committee showed that in 2012 there were nine meetings of the committee where they considered 23 reports.
- 4.4 The current arrangement for the committees is that the Licensing (Taxis, Street Trading and Miscellaneous) Sub-Committee is programmed to meet on the first Tuesday of the month and the Licensing (Gambling and Licensing) Sub-Committee meets on an ad hoc basis depending on the time an application under the Licensing Act or Gambling Act was received. The time frame for these hearings is laid down in statute.
- 4.5 The proposal is that the two sub-committees are combined to create one "Regulatory" sub-committee and this committee takes on all the responsibilities of both the existing sub-committees. The committee would still be programmed to meet on a regular scheduled day (currently Tuesday) and would also retain the flexibility to meet, as and when required, to determine applications under the Licensing or Gambling Acts.
- 4.6 The advantages to the Council of making these changes is that it reduces the overall costs of operating the sub-committees by saving the subsistence allowance paid to the additional Chair. It also creates an environment where Members are more aware of the nature and extent of Licensing throughout the district allowing them to deal with matters in the round. Whilst it is anticipated that the meetings will be held on a scheduled day (currently a Tuesday) given the time frames laid down by statute within the Licensing Act 2003 applications there will necessarily need to be some flexibility.

- 4.7 It is also proposed that a programme is introduced to ensure that all Members on the Licensing Committee receive regular training on licensing issues and committee procedures so as to ensure consistency of approach. This training will be carried out by both Council officers and, where appropriate, external trainers.
- 4.8 A copy of the existing Terms of Reference for the Licensing Committee are provided in Annex A and a copy of the proposed Terms of Reference is provided in Annex B.

5 RISK MANAGEMENT

Recommendation	Risk/Threat/Opportunity	Mitigation(s)
That the number of sub-committees operating on behalf of the Licensing Committee is reduced two to one.	If the proposed amendments and additions are made then there will be some additional workload on certain Members. There is the opportunity to reduce the cost to the Council of providing a committee service and there is the opportunity for Members to have a better overall picture of the licensing function	The Licensing Committee consists of 12 elected Members and the sub-committee can draw from this pool. Appropriate training will be provided to all Members on the Licensing Committee.

6 EQUALITIES

6.1 Equalities Impact Assessment

An Equalities Impact Assessment has been completed and the conclusions were that there are no adverse or negative impacts of opportunity for any equality target group or for any reasons.

7 CONSULTATION

- 7.1 This report has not been sent to the Trades Union because they would have no involvement in this application.

8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 Human Rights Act and Other Legal Implications

Article 6 - That in the determination of civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal by law.

The number of sub-committee hearings held will remain the same and there will be no reduction in the hearing being held within a reasonable time.

9 ADVICE SOUGHT

- 9.1 The Council's Monitoring Officer (Council Solicitor) and Section 151 Officer (Strategic Director - Support Services) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Andrew Jones, Environmental Monitoring & Licensing Manager, Telephone (01225) 477557
Background papers	Council's Terms of Reference.

LICENSING COMMITTEE

Status of the Committee

The Licensing Committee is a statutory committee of the Council appointed to perform the discharge of the local authority's licensing functions, except the approval of licensing policies, the setting up of a Committee and the resolution not to issue casino licences.

Licensing policies shall be the responsibility of the Cabinet Members for Neighbourhoods and Transportation except where there is a statutory requirement for Full Council to determine policies.

The setting up of a Licensing Committee shall be the responsibility of Full Council.

Membership of the Committee

The Committee shall comprise 12 elected members of the authority in the political group proportion (5 Cons: 5 Lib Dem: 1 Labour: 1 Independent), or such other proportion agreed by the Council from time to time.

The Monitoring Officer and Divisional Director (Legal and Democratic Services) shall be authorised, by the Council, to fill vacancies on this Committee in accordance with the nominations of the relevant political group which holds the nomination rights to the vacancy.

The Committee shall be chaired by a nominee of the Liberal Democrat Group.

The Council's objectives on Licensing

In exercising its functions the Committee will have regard to the Council's visions of:-

- Where everyone fulfils their potential
- With lively, active communities
- Unique places with beautiful surroundings

In addition, the Committee will have regard to the statutory licensing objectives under the Licensing Act 2003, i.e.

- the prevention of crime and disorder ;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

The Committee will also have regard to the statutory licensing objectives under the Gambling Act 2005, i.e.

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- ensuring that gambling is conducted in a fair and open way, and

- protecting children and other vulnerable persons from being harmed or exploited by gambling.

In addition the Committee will, where applicable, have regard to –

- (a) the Council's Statement of Licensing Policy, published under section 5 of the Licensing Act 2003;
- (b) the Council's Statement of Principles published under section 349 of the Gambling Act 2005;
- (c) any other policy determined by Council or Cabinet;
- (d) any Codes of Practice and Guidance issued from time to time by the Secretary of State;
- (e) the Council's Corporate Plan and improvement priorities insofar as these do not conflict with statutory requirements which take precedence.

Powers and Duties of the Committee

1. At the request of the Council, to review the Council's licensing policies at any time within the statutory period under the Licensing Act 2003 and Gambling Act 2005 and to make recommendations to the Council for change, after the prescribed consultation has been completed.
2. To carry out all of the Council's licensing functions as covered in the Licensing Act 2003 and the Gambling Act 2005, excluding the making of licensing policies, the setting up of a Licensing Committee and the resolution not to issue casino licences (these being functions of the Council).
3. To determine individual licence applications which fall outside Officer delegations, or which are referred by Officers for Member attention, in relation to the issue and renewal of all registrations, licences, permits, consents etc. in relation to the enactments listed below and all such other enactments as may fall within the remit of the Committee:

*Animal Boarding Establishments Act
1963*

Animal Welfare Act 2006

Breeding of Dogs Act 1973

Breeding of Dogs Act 1991

*Caravan Sites and Control of
Development Act 1960*

Charities Act 2006

Dangerous Wild Animals Act 1976

Environmental Protection Act 1990

Fireworks Act 2003

Food Act 1984

Food Safety Act 1990

Gambling Act 2005

*Local Government (Miscellaneous
Provisions) Act 1976*

*Local Government (Miscellaneous
Provisions) Act 1982*

Performing Animals (Regulation) Act 1925

Pet Animals Act 1951

Pet Animals 1951 (Amendment) Act 1983

Petroleum (Regulation) Acts 1928 & 1936

Poisons Act 1972

*Police Factories, etc. (Miscellaneous
Provisions) Act 1916*

*Public Health (Control of Disease) Act
1984*

Riding Establishments Act 1964

Game Act 1831
Guard Dogs Act 1975
Highways Act 1980 Part VIIA
House to House Collections Act 1939
Hypnotism Act 1952
Licensing Act 2003

Riding Establishments Act 1970
Scrap Metal Dealers Act 1964
Theatres Act 1968
Town Police Clauses Act 1847
Town Police Clauses Act 1889
Transport Act 1981
Vehicles (Crime) Act 2001
Violent Crime Reduction Act 2006
Zoo Licensing Act 1981

4. To determine appeals against decisions made by the Proper Officer under the Marriages and Civil Partnerships (Approved Premises) Regulations 2005.
5. To act on behalf of Council on matters relating to Designated Public Place Orders.¹
6. To establish one or more Sub-Committees and, subject to statutorily prescribed exceptions, to delegate any of its functions to such Sub Committee(s).
7. Subject to statutorily prescribed exceptions, to delegate any of its functions to an Officer of the authority

How the Committee will operate, including Substitution and Delegated Powers

The Committee will meet in full to consider any matters on which it is asked or required to submit a recommendation to the Council.

Substitutions will be permitted at meetings of the Licensing Committee from among other members of the Council, in accordance with non-Executive Committee Procedure Rule 11, as set out in the Constitution.

The Committee has appointed 2 Sub-Committees to act as hearing Panels as follows:

- Licensing (Gambling and Licensing) Sub-Committee [3 Members - 2 Liberal Democrat, 1 Conservative] – this Sub-Committee hears and determines all applications made under the Licensing Act 2003 and the Gambling Act 2005 relating to Premises Licences, Personal Licences and gaming and club machine permits;
- Licensing (Taxis, Street Trading and Miscellaneous) Sub-Committee [3 Members – 2 Conservative, 1 Liberal Democrat] - this Sub-Committee hears and determines all applications relating to licences for hackney carriage and private hire vehicles/drivers/operators, Street Trading Consents and all applications relating to licences, permits and or consents for any other functions not covered by the other Sub-Committee.

(Chairing nomination rights for both Sub-Committees are allocated to the Liberal Democrat Group).

¹ By resolution of Council 8th November 2012

The Committee has delegated to those Sub-Committees and Officers the power to determine applications in the circumstances set out in the tables below.

The Committee has approved a scheme for substitutions with regard to the Sub Committees. Substitutes will only be drawn from the membership of the Licensing Committee and the scheme allows for any member of the Licensing Committee to substitute at Sub-Committee meetings in accordance with the wishes of the political group arranging the substitution.

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING CTTEE	SUB COMMITTEE	OFFICERS
LICENSING ACT 2003				
Approval of Statement of Licensing Policy and review	All cases			
Application for Personal Licence			If a police objection is made	If no objection made
Application for Personal Licence, with unspent convictions			If a police objection is made	If no objection made
Application for Premises Licence/Club Premises Certificate			If a relevant representation is made	If no relevant representation is made
Application for Provisional Statement			If a relevant representation is made	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate			If a relevant representation is made	If no relevant representation is made
Application to vary Designated Premises Supervisor			If a police objection is made	All other cases
Request to be removed as Designated Premises Supervisor				All cases
Application for transfer of Premises Licence			If a police objection is made	All other cases
Application for interim authorities			If a police objection is made	All other cases
Application to review Premises Licence/Club Premises Certificate			All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.				All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application			All cases	
Determination of a police objection to a Temporary Event Notice			All cases	
Determination of Minor Variation applications for premises licences and for club premises certificates				All cases
Determination of the removal of a Designated Premises Supervisor or Personal			If a relevant representation is made	All other cases

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING CTTEE	SUB COMMITTEE	OFFICERS
Licence Holder at community premises				
Applications for the classification of unclassified films			All cases	
GAMBLING ACT 2005				
Approval of three year Statement of Licensing Principles and review	X			
Resolution not to issue casino licences	X			
Fee Setting - when appropriate				X (to be approved by Cabinet Member)
Application for premises licences			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence			Where representations have been received and not withdrawn	Where no representations have been received/ representations have been withdrawn
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence			X	
Application for club gaming /club machine permits			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits			X	

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING CTTEE	SUB COMMITTEE	OFFICERS
Applications for other permits				X
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	
Consideration of an Occasional Use Notice				X
Designation of "authorised person".				X
Exchange of information between various persons/bodies listed in the Act				X
Decision to initiate criminal proceedings.				X
Power to make Orders disapplying exempt gaming and the automatic entitlement to gaming machines in relation to specified premises.				X
Functions relating to the registration and regulation of small society lotteries.				X
To appoint an Advisory Panel		X		
Stage 1 of an application for a casino licence			X	
Stage 2 of an application for a casino licence		X		
OTHER				
Determination of applications for hackney carriage/private hire drivers' licences where applicants are aged 70 or over with no medical problems				X
Determination of new applications for a Sex Establishment		X		

PROPOSED LICENSING COMMITTEE TERMS OF REFERENCE

Status of the Committee

The Licensing Committee is a statutory committee of the Council appointed to perform the discharge of the local authority's licensing functions, except the approval of licensing policies, the setting up of a Committee and the resolution not to issue casino licences.

Licensing policies shall be the responsibility of the Cabinet Member for Neighbourhoods except where there is a statutory requirement for Full Council to determine policies.

The setting up of a Licensing Committee shall be the responsibility of Full Council.

Membership of the Committee

The Committee shall comprise 12 elected members of the authority in the political group proportion (5 Cons: 5 Lib Dem: 1 Labour: 1 Independent), or such other proportion agreed by the Council from time to time.

The Monitoring Officer and Divisional Director (Legal and Democratic Services) shall be authorised, by the Council, to fill vacancies on this Committee in accordance with the nominations of the relevant political group which holds the nomination rights to the vacancy.

The Committee shall be chaired by a nominee of the Liberal Democrat Group.

The Council's objectives on Licensing

In exercising its functions the Committee will have regard to the Council's visions of:-

- Where everyone fulfils their potential
- With lively, active communities
- Unique places with beautiful surroundings

In addition, the Committee will have regard to the statutory licensing objectives under the Licensing Act 2003, i.e.

- the prevention of crime and disorder ;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

The Committee will also have regard to the statutory licensing objectives under the Gambling Act 2005, i.e.

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- ensuring that gambling is conducted in a fair and open way, and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

In addition the Committee will, where applicable, have regard to –

- (f) the Council's Statement of Licensing Policy, published under section 5 of the Licensing Act 2003;
- (g) the Council's Statement of Principles published under section 349 of the Gambling Act 2005;
- (h) any other policy determined by Council or Cabinet;
- (i) any Codes of Practice and Guidance issued from time to time by the Secretary of State;
- (j) the Council's Corporate Plan and improvement priorities insofar as these do not conflict with statutory requirements which take precedence.

Powers and Duties of the Committee

1. At the request of the Council, to review the Council's licensing policies at any time within the statutory period under the Licensing Act 2003 and Gambling Act 2005 and to make recommendations to the Council for change, after the prescribed consultation has been completed.
2. To carry out all of the Council's licensing functions as covered in the Licensing Act 2003 and the Gambling Act 2005, excluding the making of licensing policies, the setting up of a Licensing Committee and the resolution not to issue casino licences (these being functions of the Council).
3. To determine individual licence applications which fall outside Officer delegations, or which are referred by Officers for Member attention, in relation to the issue and renewal of all registrations, licences, permits, consents etc. in relation to the enactments listed below and all such other enactments as may fall within the remit of the Committee:

Animal Boarding Establishments Act 1963
Animal Welfare Act 2006
Breeding of Dogs Act 1973
Breeding of Dogs Act 1991
Caravan Sites and Control of Development Act 1960
Charities Act 2006
Dangerous Wild Animals Act 1976
Environmental Protection Act 1990
Fireworks Act 2003
Food Act 1984
Food Safety Act 1990
Gambling Act 2005
Game Act 1831
Guard Dogs Act 1975
Highways Act 1980 Part VIIA
House to House Collections Act 1939
Hypnotism Act 1952
Licensing Act 2003

Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Performing Animals (Regulation) Act 1925
Pet Animals Act 1951
Pet Animals 1951 (Amendment) Act 1983
Petroleum (Regulation) Acts 1928 & 1936
Poisons Act 1972
Police Factories, etc. (Miscellaneous Provisions) Act 1916
Public Health (Control of Disease) Act 1984
Riding Establishments Act 1964

*Riding Establishments Act
1970
Scrap Metal Dealers Act 1964
Theatres Act 1968
Town Police Clauses Act 1847
Town Police Clauses Act 1889
Transport Act 1981
Vehicles (Crime) Act 2001
Violent Crime Reduction Act
2006
Zoo Licensing Act 1981*

4. To determine appeals against decisions made by the Proper Officer under the Marriages and Civil Partnerships (Approved Premises) Regulations 2005.
5. To act on behalf of Council on matters relating to Designated Public Place Orders.¹
6. To establish one or more Sub-Committees and, subject to statutorily prescribed exceptions, to delegate any of its functions to such Sub Committee(s).
7. Subject to statutorily prescribed exceptions, to delegate any of its functions to an Officer of the authority

How the Committee will operate, including Substitution and Delegated Powers

The Committee will meet in full to consider any matters on which it is asked or required to submit a recommendation to the Council.

Substitutions will be permitted at meetings of the Licensing Committee from among other members of the Council, in accordance with non-Executive Committee Procedure Rule 11, as set out in the Constitution.

The Committee has delegated to the Sub-Committee and Officers the power to determine applications in the circumstances set out in the tables below.

The Committee has appointed a Sub-Committee to act as hearing Panels as follows:

- Licensing (Regulatory) Sub-Committee [a minimum of 3 Members - 2 Liberal Democrat, 1 Conservative] – this Sub-Committee hears and determines all licence applications, not delegated to officers, listed in the Powers and Duties of the Committee section above

(Chairing nomination rights for the Sub-Committee are allocated to the Liberal Democrat Group).

The Committee has approved a scheme for substitutions with regard to the Sub Committee. Substitutes will only be drawn from the membership of the Licensing Committee and the scheme allows for any member of the Licensing Committee to substitute at Sub-Committee meetings in accordance with the wishes of the political group arranging the substitution.

¹ By resolution of Council 8th November 2012

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING CTTEE	SUB COMMITTEE	OFFICERS
LICENSING ACT 2003				
Approval of Statement of Licensing Policy and review	All cases			
Application for Personal Licence			If a police objection is made	If no objection made
Application for Personal Licence, with unspent convictions			If a police objection is made	If no objection made
Application for Premises Licence/Club Premises Certificate			If a relevant representation is made	If no relevant representation is made
Application for Provisional Statement			If a relevant representation is made	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate			If a relevant representation is made	If no relevant representation is made
Application to vary Designated Premises Supervisor			If a police objection is made	All other cases
Request to be removed as Designated Premises Supervisor				All cases
Application for transfer of Premises Licence			If a police objection is made	All other cases
Application for interim authorities			If a police objection is made	All other cases
Application to review Premises Licence/Club Premises Certificate			All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.				All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application			All cases	
Determination of a police objection to a Temporary Event Notice			All cases	
Determination of Minor Variation applications for premises licences and for club premises certificates				All cases

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING CTTEE	SUB COMMITTEE	OFFICERS
Determination of the removal of a Designated Premises Supervisor or Personal Licence Holder at community premises			If a relevant representation is made	All other cases
Applications for the classification of unclassified films			All cases	
GAMBLING ACT 2005				
Approval of three year Statement of Licensing Principles and review	X			
Resolution not to issue casino licences	X			
Fee Setting - when appropriate				X (to be approved by Cabinet Member)
Application for premises licences			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence			Where representations have been received and not withdrawn	Where no representations have been received/ representations have been withdrawn
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence			X	

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING CTTEE	SUB COMMITTEE	OFFICERS
Application for club gaming /club machine permits			Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits			X	
Applications for other permits				X
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	
Consideration of an Occasional Use Notice				X
Designation of "authorised person".				X
Exchange of information between various persons/bodies listed in the Act				X
Decision to initiate criminal proceedings.				X
Power to make Orders disapplying exempt gaming and the automatic entitlement to gaming machines in relation to specified premises.				X
Functions relating to the registration and regulation of small society lotteries.				X
To appoint an Advisory Panel		X		
Stage 1 of an application for a casino licence			X	
Stage 2 of an application for a casino licence		X		

OTHER				
Determination of applications for hackney carriage/private hire drivers' licences where applicants are aged 70 or over with no medical problems				X
Determination of new applications for a Sex Establishment		X		
Determination of uncontested renewal applications for a Sex Establishment				X