



## Licensing Committee

You are requested to attend a meeting of the Licensing Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 24 January 2005 at 18:15.

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### **Agenda**

- 1 Appointment of Chairman
- 2 Appointment of Vice-Chairman
- 3 Apologies
- 4 Public Question Time  
The period allowed for questions and answers will not exceed 15 minutes and each individual questioner will be restricted to speaking for a total of four minutes.
- 5 Terms of Reference, Scheme of Delegation and other matters relating to the functioning of the Committee.  
Report of the Chief Solicitor (attached).

Bruce Lang  
Assistant Chief Executive

07 August 2018

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: [www.tauntondeane.gov.uk](http://www.tauntondeane.gov.uk)



The meeting rooms at both the Brittons Ash Community Centre and West Monkton Primary School are on the ground floor and are fully accessible. Toilet facilities, with wheelchair access, are available.

Lift access to the Council Chamber on the first floor of Shire Hall, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are available through the door to the right hand side of the dais.



An induction loop operates at Shire Hall to enhance sound for anyone wearing a hearing aid or using a transmitter.

**For further information about the meeting, please contact Democratic Services on 01823 219736 or email [r.bryant@tauntondeane.gov.uk](mailto:r.bryant@tauntondeane.gov.uk)**

If you would like an agenda, a report or the minutes of a meeting translated into another language or into Braille, large print, audio tape or CD, please telephone us on 01823 356356 or email: [enquiries@tauntondeane.gov.uk](mailto:enquiries@tauntondeane.gov.uk)

**Licensing Committee Members:-**

Councillor K Durdan (Chairman)  
Councillor A Beaven  
Councillor S Brooks  
Councillor M Hill  
Councillor L James  
Councillor R Lees  
Councillor S Lees  
Councillor J Meikle, MBE  
Councillor I Morrell, BA LLB  
Councillor B Nottrodt  
Councillor J Reed  
Councillor B Swaine  
Councillor (Historic)Mrs E Waymouth

## **TAUNTON DEANE BOROUGH COUNCIL**

Licensing Committee Meeting on 24 January 2005

Report of the Chief Solicitor

Terms of Reference, Scheme of Delegation and other Matters Relating to the Functioning of the Committee

### 1. Purpose of Report

- 1.1 To establish the terms of reference of the Licensing Committee, the frequency of its meetings, agree a scheme of delegation and to identify Members training needs.

### 2. Summary

- 2.1 The Council has established a Licensing Committee to discharge the Council's functions under the Licensing Act 2003 on its behalf. The Committee will need to agree its terms of reference. It has power to establish sub-committees and to delegate certain of its functions to those sub-committees and to an officer or officers of the Council. This report sets out the terms of reference, the frequency of meetings, recommends a scheme of delegation and seeks to establish Members' training needs.

### 3. Background

- 3.1 At its meeting on the 14 December 2004, the Council approved the establishment of a Licensing Committee comprising of 15 Members to be selected on a proportional basis.
- 3.2 At the same meeting the Council approved a Licensing Policy, which included a proposed scheme of delegation of licensing functions.
- 3.3 This is the first meeting of the Licensing Committee and it is appropriate to establish its terms of reference and other matters relating to the conduct of its business.
- 3.4 Section 9(2) of the Licensing Act 2003 provides that regulations may make provision about the proceedings of Licensing Committees and their Sub-Committees including provision about the validity of proceedings and the quorum for meetings. The regulations can also determine arrangements for public access to these meetings and the publicity to be given to them.
- 3.5 The Act also provides for the Licensing Committee to arrange for the discharge of any of its functions by a Sub-Committee established by it or in certain circumstances an officer of the Licensing Authority.

### 4. Terms of Reference

- 4.1 The Committee's terms of reference will be to discharge the Council's licensing functions under the Licensing Act 2003. At present the Council also has in place the Licensing Board which deals with a variety of matters under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Acts 1976 and 1982. It would be sensible for all these new and old licensing functions to be re-delegated to this committee and for the previous Licensing Board to be therefore wound up. You are recommended to seek the Council's approval to these steps being taken.

5. Scheme of Delegation

- 5.1 The Licensing Act 2003 enables you to establish one or more sub-committees consisting of three Members of this Committee. Matters of principle should be decided by this committee and you are requested to agree to establishing more than one sub-committee consisting of three of your Members to deal with matters which can be delegated to them as set out below.
- 5.2 It is difficult at this stage to be categoric about the membership of sub-committees and it would ease the administrative burden if you were to delegate to the Member Services Manager, in consultation with the Chairman of this Committee, the right to select three Members from amongst your number to form a sub-committee on each occasion such a sub-committee needs to meet.
- 5.3 The Licensing Policy, which was accepted by the Council, sets out details of the way in which particular matters should be dealt with under delegated powers. The matters to be delegated and whether it is to be delegated to a sub-committee or to an officer is set out in the table below. It is suggested that the delegation to an officer should be to the Head of Environment and Leisure.

<b>Matter to be dealt with</b>	<b>Sub Committee</b>	<b>Head of Environment and Leisure</b>
Application for personal licence	If a Police objection	If no objection made
Application for personal licence with unspent convictions	If a Police objection	If no objection made
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a Police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Application for interim authorities	If a Police objection	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	

- 5.4 The scheme of delegation should be kept under review and you will receive regular reports on decisions taken by the officer under this arrangement to enable that review to take place.

## 6. Frequency of Meetings

- 6.1 It is unnecessary for the Licensing Committee to meet as part of the Council's regular cycle of meetings but it is expected to meet three or four times a year. The meetings will take place in the evening at The Deane House but otherwise in accordance with any regulations, which the Government may make concerning the meetings.
- 6.2 The sub-committees will meet on dates and times to be appointed to deal with the particular matters delegated to them as detailed above. It is suggested that there should be some flexibility about the date, time and location for these meetings depending on the nature and form of the business to be conducted.
- 6.3 The Government have made regulations, which will govern how the Licensing Sub-Committees will deal with matters that are referred to them. These regulations cover numerous issues including the procedure to be followed at hearings. The Council has a procedure document for the conduct of its Licensing Board and a similar document for hearings will be produced for your approval at your next meeting.

## 7. Training

- 7.1 All members will have had the opportunity to attend the training sessions concerning the outline of the Licensing Act 2003 and it is intended that further and more intensive training will be provided to this Committee's members on the particular details of the Licensing legislation and their functions under it. Only trained members will be expected to participate in hearings.
- 7.2 If Members have identified particular matters or issues on which they wish to be trained they are requested to make these issues known as soon as possible so that proper arrangements can be made to deal with them.

## 8. Impact on Corporate Priorities

- 8.1 The impact relates to the Environment and Delivery corporate priorities.

## 9. Conclusion and Recommendations

- 9.1 The Licensing Committee needs to establish its terms of reference, scheme of delegation and identify its training needs.
- 9.2 You are therefore recommended as follows:-
  - 9.2.1 To approve the terms of reference set out in paragraph 4 above.
  - 9.2.2 To approve the establishment of sub-committees as detailed in paragraph 5 above.
  - 9.2.3 To agree to meet on the basis set out in paragraph 6 above.
  - 9.2.3 To approve the scheme of delegation to the sub-committees and officers detailed in paragraph 5 above.
- 9.3 To recommend to the Council that it:-
  - (a) delegates to you all the powers and duties of the Council previously exercised by the Licensing Board from 23 February 2005;

(b) winds up the Licensing Board from the same date.

Contact Officer: Ian Taylor, Chief Solicitor

## Licensing Committee – 24 January 2005

Present: Councillors Mrs Allgrove, Mrs Bradley, Beaven, Croad, Floyd, Hall, Hindley, House, Mrs Lewin-Harris, Meikle, Phillips, Smith and Stuart-Thorn

Officers: Mr I Taylor (Chief Solicitor)  
Mr J Hunter (Licensing Manager)  
Mrs D Durham (Member Services Officer)

Also present: Councillor Garner

The meeting commenced at 6.15 p.m.

(Councillors Beaven and Croad arrived at 6.18 p.m.)

### 1. Appointment of Chairman

RESOLVED that Councillor Mrs Allgrove be elected Chairman of the Licensing Committee for the remainder of the Municipal Year.

### 2. Appointment of Vice-Chairman

RESOLVED that Councillor House be elected Vice-Chairman of the Licensing Committee for the remainder of the Municipal Year.

### 3. Apology

Councillor Slattery

### 4. Terms of Reference, Scheme of Delegation and other matters relating to the functioning of the Committee

Considered report previously circulated, concerning the establishment of the terms of reference of the Licensing Committee, the frequency of its meetings, a proposed scheme of delegation and the identification of members' training needs.

At its meeting last December, the Council had approved the setting up of a Licensing Committee and a Licensing Policy which included a proposed scheme of delegation of licensing functions.

It was therefore now appropriate for the newly formed Committee to establish its terms of reference and other matters relating to the conduct of its business.

Reported that the Committee's terms of reference should be to discharge the Council's licensing functions under the Licensing Act 2003.

At present, the Council also had in place the Licensing Board which dealt with a variety of matters under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Acts 1976 and 1982. Proposed that all the new and old licensing functions should be re-delegated to the new Committee, with the Licensing Board being wound up.

The Licensing Act 2003 enabled the Committee to establish one or more sub-committees, each one consisting of three of its members. Although it was considered that matters of principle should be decided by the main Licensing Committee, it was suggested that the sub-committee(s) should deal with those matters which could be delegated to it.



Noted that the right to select the membership of a sub-committee on each occasion one was required to meet, should be delegated to the Member Services Manager, in consultation with the Chairman of the Licensing Committee.

The approved Licensing Policy set out details of the way in which particular matters should be dealt with under delegated powers. The matters to be delegated and whether they were delegated to a sub-committee or to an officer, namely the Head of Environment and Leisure, were set out in the table below:

<b>Matter to be dealt with</b>	<b>Sub Committee</b>	<b>Head of Environment and Leisure</b>
Application for personal licence	If a Police objection	If no objection made
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Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Police objection	All other cases
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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	

Noted that the scheme of delegation would be kept under review and regular reports on decisions taken by the Head of Environment and Leisure would be made.

Further reported that it would be unnecessary for the Licensing Committee to meet any more than three or four times a year. The meetings would take place in the evening at The Deane House but otherwise in accordance with any regulations issued by the Government. The Quorum for meetings of the Committee needed to be established.

The date, time and location of meetings of the sub-committee(s) would be flexible depending on the nature and form of the business to be conducted. However, such meetings would be

governed by regulations as to the procedure to be followed. It was proposed to prepare a procedure document for members for consideration at the next meeting of the Licensing Committee.

All members had had the opportunity to attend the training sessions concerning the outline of the Licensing Act 2003, but it was intended that further and more intensive training would be provided to the Committee. Members also had the option to identify particular matters they wished to receive training upon. Only trained members would be expected to participate in the forthcoming hearings.

During the discussion of this item, concern was expressed over the ability of a member of this Committee to deal with licensing issues within their ward. The Committee were advised that there was insufficient evidence to justify a "saturation policy" being included in the Licensing Policy but that the matter would be kept under review. A joint Enforcement Protocol was being established with the Police for consideration by the Committee. It was also agreed that arrangements should be made so far as practicable to inform Parish and Town Councils of licensing applications made within their respective areas.

RESOLVED that:-

- (1) The terms of reference be "To discharge the Council's licensing functions under the Licensing Act 2003";
- (2) The quorum for meetings of the Licensing Committee be four members present at the meeting;
- (3) The establishment of sub-committees as detailed above be approved;
- (4) The meeting arrangements set out above be agreed;
- (5) The scheme of delegation to the sub-committees and the Head of Environment and Leisure set out above be approved; and
- (6) Council be recommended that:-
  - (i) All the powers and duties of the Council previously exercised by the Licensing Board be delegated to the new Licensing Committee but to be discharged by its sub-committees from 23 February 2005; and
  - (ii) The Licensing Board be wound up from the same date.

(The meeting ended at 7.42 p.m.).