

COUNCIL MEETING – 14 DECEMBER 2004

RECOMMENDATION TO COUNCIL FROM THE COMMUNITY LEADERSHIP REVIEW PANEL

1. The Constitution

The Community Leadership Review Panel is responsible for overseeing the use being made of the Council's formal Constitution and to recommend changes when necessary.

At the Review Panel on 9 November 2004 an amendment was passed for recommendation to Council to provide for a Licensing Committee to be established to deal with the matters arising from the Licensing Act 2003. The Act, which came into force on 10 September 2003, required the Council to establish a Licensing Committee consisting of at least 10 but not more than 15 members of the Authority. The Council currently issued public entertainment, cinema, theatre and late night refreshment house licenses and had a Licensing Board to deal with contentious applications.

The Licensing Act transferred the responsibility for licensing premises from which alcohol was sold by retail to the Council and consolidated the legislation concerning public entertainment, cinema, theatre and late night refreshment house licenses.

The new Licensing Committee would deal with all new licensing functions, with the exception of the statement of licensing policy, which had to be approved by Council.

The Licensing Committee would be able to appoint sub committees of at least 3 members of the Licensing Committee to deal principally with contested applications for licenses under the Act and there would be a considerable degree of delegation to officers of various functions under the Act.

The new legislation will come into force on 7 February 2005 and as a heavy workload was expected the Review Panel supported the formation of a Licensing Committee comprising of 15 members.

The Licensing Committee would be a regulatory committee and both Executive and Non Executive Councillors could serve on it. The Committee would be politically balanced based on the proportionality rules which gave a composition as follows:- 9 Conservatives, 4 Liberal Democrats, 1 Labour and 1 Independent.

A Licensing Sub Committee, comprising of 3 members, whose main function would be to hear contested applications for new licenses, or

variations to existing licenses would not need to be proportionally balanced.

2. It is therefore RECOMMENDED that the Constitution be amended to the following effect:-
 - (a) by establishing a Licensing Committee, made up of a membership of 15 comprising of 9 Conservatives, 4 Liberal Democrats, 1 Labour and 1 Independent, to discharge the licensing functions detailed under the Licensing Act 2003 and the powers and duties of the present Licensing Board as detailed in Part 3 of the Constitution; and
 - (b) by the Monitoring Officer being authorised to effect all necessary amendments to the Constitution in consultation with the Chairman and/or Vice Chairman of the Community Leadership Review Panel, so as to incorporate the establishment, powers and duties of the Licensing Committee, and to circulate the resulting changes to all Councillors.

Councillor Denington
Chairman of Community Leadership Review Panel