

Agenda



Listening Learning Leading

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A MEETING OF THE

Licensing Acts Committee

WILL BE HELD ON

THURSDAY 19 MAY 2011 ON THE RISING OF THE PRECEDING ANNUAL MEETING OF COUNCIL

COUNCIL CHAMBER, COUNCIL OFFICES, CROWMARSH GIFFORD

Members of the Committee:

To be confirmed at the annual meeting of Council on 19 May 2011 at 6.00pm

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1. Apologies

2. Election of Chairman for the 2011/12 municipal year

The Committee is asked appoint the chairman for the municipal year.

3. Election of Vice- Chairman for the 2011/12 municipal year

The Committee is asked to appoint one vice-chairman, to take account of the decreased workload of the licensing panels.

4. Minutes, 25 November 2010

The minutes are attached. The committee is asked to approve these as a correct record of the meeting.

5. Appointment of licensing panels for the 2011/12 to 2014/15 municipal years.

The Committee is asked to:

- appoint licensing sub-committees comprising any three members of the Licensing Acts Committee;
- appoint each member of the Licensing Acts Committee to serve on any sub-committee which is convened so as to include her or him in its membership;
- agree that the sub-committees be known as licensing panels;
- authorise each licensing panel to discharge all functions relating to matters set out in the terms of reference in the appendix to the agenda;
- agree that wherever possible applications should be heard by a licensing panel comprising the chairman or a vice-chairman of the committee plus two other members of the committee, but that this should not affect the principle that any three members of the committee will constitute a properly appointed licensing panel
- agree that a fourth member should be on standby for each hearing in case one of the three members cannot take part in a hearing for any reason;
- authorise the head of legal and democratic services to invite an appropriate licensing panel to conduct a scheduled hearing having regard to members' availability and eligibility to take part and ensuring that as far as possible all members of the committee have the opportunity to conduct hearings.

MARGARET REED
Head of Legal and Democratic Services

Appendix

Terms of reference of sub-committees (Licensing Panels)

Licensing Act 2003: Licensing Policy delegations

Matter to be dealt with	Circumstances in which Panel will determine case
Application for personal licence	Police objection (see note 1)
Application for personal licence with unspent convictions	All cases
Application for premises licence/club premises certificate	Valid representation (see note 2)
Application for provisional statement	Valid representation (see note 2)
Application to vary premises licence/club premises certificate	Valid representation (see note 2)
Application to vary designated premises supervisor	Police objection (see note 1)
Application for transfer of premises licence	Police objection (see note 1)
Applications for interim authorities	Police objection (see note 1)
Application to review premises licence/club premises certificate	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 representation to a Temporary Event Notice.	All cases

Note 1 - "Police objection" = If a Police objection has been made and not withdrawn.

Note 2 – "Valid representation" = If a representation has been determined by a delegated officer as a relevant representation from an interested party or a representation has been made by a responsible authority and at least one of those representations is not withdrawn (with the agreement of all parties that a hearing is not necessary).

Gambling Act 2005: Gambling Act Policy delegations

Matter to be dealt with	Full Council	Licensing Acts Panel	Officers
Final approval of three year licensing policy Statement	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X	
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received or all have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received or all have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received or all have been withdrawn
Review of a premises licence		X	
Application for club gaming/ club machine permits		Where objections have been made (and not withdrawn)	Where no representations received or all 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	

X indicates the lowest level to which decisions can be delegated