



LICENSING COMMITTEE – 16TH JANUARY 2017

SUBJECT: REVIEW OF LICENSING COMMITTEE'S STRUCTURE AND TERMS OF REFERENCE

REPORT BY: INTERIM HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE OF REPORT -

- 1.1 To ask the Licensing Committee to consider and provide its views on the proposals below prior to presenting the recommendations to Council as follows.
 - 1.1.1 To replace the existing Licensing structure by setting up two Licensing Committees to be retitled the Licensing and Gambling Committee and a Taxi and General Committee.
 - 1.1.2 To endorse the Terms of Reference for each of the above Committees as set out in Appendix 1 which have also been updated to reflect the proposed review of the arrangements and relevant legislation in force.
 - 1.1.3 To note and endorse the arrangements for setting up sub-committees for the Licensing and Gambling Committee and Taxi and General Committee as set out in Appendix 1, which are to be named the Licensing and Gambling Sub Committee and Taxi and General Sub Committee.
 - 1.1.4 To refer the recommendations to Council for approval and to seek authority for the Interim Head of Legal Services and Monitoring Officer to amend the Constitution to reflect the proposals set out above.

2. SUMMARY

- 2.1 To seek the Licensing Committee's endorsement of the proposed changes to the Licensing Committee structure as set out in this report.

3. LINKS TO STRATEGY

- 3.1 The responsibilities of Licensing Committees contribute to the Healthier, Safer, and Prosperous themes of the Single Integrated Plan, Caerphilly Delivers and the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015.
 - A prosperous Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities
 - A Wales of vibrant culture and thriving Welsh language
 - A globally responsible Wales

4. THE REPORT

- 4.1 The existing arrangements for how the Council discharges its licensing function have been reviewed following consideration of legal advice and guidance. By operating separate licensing Committees as proposed below, the Council will be able to maintain its effective governance arrangements.
- 4.2 Having considered the Council's existing arrangements it is proposed that two distinct Committees are set up as follows. A statutory Licensing Committee which will be responsible for all matters regulated by the Licensing Act 2003 and the Gambling Act 2005. In addition a second Committee will be responsible for discharging those licensing activities which are not governed by the 2003 or 2005 Acts and which do not fall within the responsibility of the Council. The mechanism to enable the local authority to discharge these matters is contained in sections 101 and 102 of the Local Government Act 1972 (unless the matter is an Executive function which relates to certain taxi matters under the Local Government (Miscellaneous Provisions) Act 1976 and for example the whole of the Scrap Metal Dealers Act 2013).
- 4.3 It is proposed that the statutory Licensing Committee be named the "Licensing and Gambling Committee and the second Committee is named the "Taxi and General Committee". Both committees would be able to appoint Sub-Committees if desired.
- 4.4 Whilst the two Committees will be separately constituted, the proposed Licensing and Gambling Committee does not need to be politically balanced (although it can be) as it is not a Committee created under the Local Government Act 1972. However, that said the Taxi and General Committee does have to be politically balanced. For the sake of continuity it is proposed that the current Licensing Committee Members are appointed to both Committees. The effect of this will be that both committees will be politically balanced.
- 4.5 With regard to the setting up of sub-committees the proposed arrangements are set out in Appendix 1 to the report.
- 4.6 It is not proposed to increase the frequency of licensing meetings and where necessary the two Committees can hold the meetings on the same day one after each other, but with separate agendas and roles.
- 4.7 Attached for Members consideration at Appendix 1 are the proposed terms of reference for each Committee. Whilst reviewing the terms of reference for each Committee officers have taken the opportunity to update the list of functions the Committees undertake taking into account existing arrangements and current legislation. This includes the setting of tariffs which is a Cabinet function.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report and associated proposals contributes to the Well-being Goals as set out in Links to Strategy above. The Council has a mandatory obligation to process applications for a large number of licences, permits and Registrations from businesses and persons in compliance with legislation and statutory guidance. Members of these Committees play a pivotal role in determining policy, licence conditions, contested applications and suspending and revoking licences to ensure Public protection and safety.
- 5.2 Having regard to the five ways of working set out in the sustainable development principle, as defined in the Act the proposal is integrated in that it contributes to a number of the Well-being goals and supports the objectives of other stakeholders. The Policy promotes involvement particularly through the consultation process for a variety of applications allowing other agencies and the community to input into the decision making process. There is an emphasis

on prevention as the Licensing processes ensure that a number of checks and safeguards are in place before licences are issued.

6. EQUALITIES IMPLICATIONS

- 6.1 There are no equalities implications arising from this report.

7. FINANCIAL IMPLICATIONS

- 7.1 There will be some additional minimal costs arising from the need to produce separate agendas which can be met from existing budgets.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications arising from this report.

9. CONSULTATIONS

- 9.1 The report reflects the views of the consultees.

10. RECOMMENDATIONS

- 10.1 Members are asked to endorse the following proposals:
 - 10.1.1 To replace the existing Licensing structure with two Licensing Committees entitled the Licensing and Gambling Committee and the Taxi and General Committee respectively.
 - 10.1.2 To note the changes and endorse the Terms of Reference for each of the above Committees and the arrangements for the Sub Committees as set out in Appendix 1.
 - 10.1.3 To note the membership of each Committee will remain the same as the current membership of the Licensing Committee.
 - 10.1.4 To refer the above recommendations to Council for approval and to seek authority from Council for the Interim Head of Legal Services and Monitoring Officer to amend the Constitution to reflect the proposals set out above.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To update the licensing process to comply with legal requirements and guidance.

12. STATUTORY POWER

- 12.1 Licensing Act 2003, Gambling Act 2005, Local Government Miscellaneous Provisions Act 1976

Author: Lisa Lane, Corporate Solicitor
Consultees: Councillor Denver Preece, Chair, Licensing Committee
Councillor Colin Gordon, Vice Chair, Licensing Committee
Councillor Nigel George, Cabinet Member for Community and Leisure Services
Gail Williams, Interim Head of Legal Services and Monitoring Officer
Robert Hartshorn, Head of Public Protection

Jacqui Morgan, Trading Standards, Licensing and Registrars Manager
Myra McSherry, Licensing Manager
Susan Ead, Solicitor
Anwen Rees Senior Policy Officer (Equalities and Welsh Language)
Mike Eedy, Finance Manager

Appendices:

- Appendix 1 Proposed Terms of Reference - Licensing and Gambling Committee and Taxi and General Committee and the respective sub committees