
Meeting of the Licensing and Safety Committee – 30th May, 2022

Report of the Lead for Law and Governance

Appointment of Licensing Sub-Committees for the 2022/23 Municipal Year

Purpose

1. To consider the appointment of four Licensing Sub-Committees for the 2022/23 municipal year.

Recommendations

2. It is recommended:-
 - that four Licensing Sub-Committees be established to deal with all licensing applications requiring member determination in accordance with the functions allocated to the Licensing and Safety Committee;
 - that consideration be given to the proposed membership of the Licensing Sub-Committees for 2022/23 in accordance with the list to be circulated at the meeting;
 - that the substitution arrangements as set out in the Council's procedure rules be noted and applied to the Licensing Sub-Committees subject to an eligibility requirement that any named substitute must be:-
 - a) appointed to the Licensing and Safety Committee;
 - b) otherwise eligible to serve on any given occasion;
 - c) notified to the Monitoring Officer prior to the commencement of the meeting in question.
 - that the Lead for Law and Governance (Monitoring Officer) be authorised to make any necessary changes to the membership or composition of Sub-Committees that might arise during the municipal year taking account of the wishes of the political groups.

Background

3. The Licensing and Safety Committee was appointed at Annual Council to undertake the statutory Committee functions in accordance with the Licensing Act 2003. The Committee also undertakes functions under various other legislative provisions, as referred to in paragraph 11 and otherwise as set out in the Constitution.
4. In practice, the majority of licensing applications are dealt with by the Licensing Sub-Committees. For 2022/23 it is proposed to appoint Licensing Sub-Committees on the same basis as in the previous municipal year (four Sub-Committees comprising of three Members each).
5. The functions of the Licensing and Safety Committee are set out in the Council's Constitution. It is recommended that the Licensing Sub-Committees be given delegated powers to consider all licensing functions requiring Member determination in accordance with these functions.
6. The Council has decided that the proportionality requirements of the Local Government and Housing Act 1989 shall not apply to Licensing Sub-Committees. It is therefore a matter for this Committee to appoint Members to the four Sub-Committees. A list of the proposed names of Members to be appointed, together with the respective Chairs of each Sub-Committee will be circulated at the meeting.
7. The scheduled dates of Licensing Sub-Committees for 2022/23 are as set out in the calendar of meetings agreed at Annual Council on 19th May, 2022. Additional meetings may be arranged in consultation with the Chair of the Licensing and Safety Committee.
8. All Members of the Committee must have completed the mandatory Committee training which was held on 25th May, 2022, to be eligible to continue to serve on the Committee and Sub-Committees.
9. Members may wish to note the substitution arrangements for meetings, which are contained in the Council Procedure Rules in the Constitution as follows:-

“The appointment of a substitute member is permitted for every member on any body exercising functions of a quasi-judicial nature where it is necessary for that body to be of a prescribed size or there is a need to comply with the requirements of any statutory requirement or Government guidance. A substitute member shall only be appointed if he/she is otherwise eligible to serve on the body concerned. Any substitute nominated to serve on a quasi-judicial body should be notified to the Monitoring Officer prior to the commencement of the meeting in question.

A substitute member shall serve only for the duration of the meeting to which they are appointed as a substitute except in the case of a quasi-judicial body:-

- a) Where a member is required to withdraw from, or cannot attend to hear a particular case, where substitution will be permitted for that particular case.



- b) Where an adjourned meeting is reconvened and it is essential for the substitute member to consider a case to comply with the rules of natural justice. In these circumstances, the substantive member may not attend other than as an observer.

Finance

10. Any financial implications arising from the proposals in this report will be met from existing resources.

Law

- 11.
- Liquor Licensing is governed by the Licensing Act 2003.
 - Street and Door to Door Collecting is governed by Police, Factories, etc (Miscellaneous Provisions) Act 1916 and House to House Collections Act 1939.
 - Street Trading is governed by Local Government (Miscellaneous Provisions) Act 1982 Part III.
 - Scrap metal yards and motor salvage operators is governed by the Scrap Metal Dealers Act 2013.
 - Sex Shops is governed by Local Government (Miscellaneous Provisions) Act 1982 Part II.
 - Performance Hypnotism is governed by Hypnotism Act 1952.
 - Gambling Licences and Permits are governed by the Gambling Act 2005.

Risk Management

12. The Council is committed to adopting best practice in its management of risk. It aims to ensure risk is maintained at an acceptable level in order to maximise opportunities and demonstrate that it has given full consideration of the implications of risk to the delivery and achievement of its outcomes, strategic aims and priorities.

Equality Impact

13. This report takes into account the Council's equality and diversity policies. The licensing of premises and individuals will impact on children and young people through their attendance at licensed premises. There has been no consultation or involvement of children and young people in developing these proposals.

Human Resources/Organisational Development

14. Governance arrangements will be administered from existing resources.

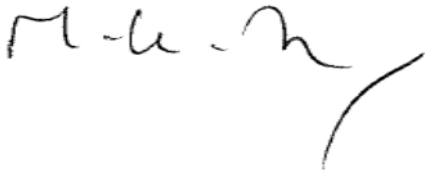
Commercial/Procurement

15. Decisions taken by the Committee will reflect the Council Plan objectives to maximise value from procurement, deliver social value and develop a commercial focus as appropriate.



Council Priorities

16. Dudley operates a One Council ethos to build an effective and dynamic organisation aligned to its three core priorities to grow the economy and create jobs; create a cleaner and greener place and support stronger and safer communities.
17. The appointment of Licensing Sub-Committees would contribute to the delivery of key Council priorities including the Borough Vision, Council Plan and Future Council Programme.



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List of Background Documents

- Dudley MBC Constitution
- Annual Council Meeting – 19th May, 2022