

Item 7(ii) on 3rd December 2013 Council Agenda

Committee Chairman	Councillor John Chandler
Executive Member	Councillor James Friend
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Date	3 rd December 2013

Ward (s) affected	All
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Subject	Terms of Reference of the Licensing Committee and Licensing Sub-Committee
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RECOMMENDED TO COUNCIL:

That the Council approve the amended Terms of Reference of the Licensing Committee and the Licensing Sub-Committee.

(Appended to this report is a copy of the Terms of Reference for the Licensing Committee and Sub Committee (Appendix A) as agreed by the Committee at that meeting.

EXECUTIVE SUMMARY

The Licensing Committee considered a report which detailed the impending changes to the regulatory regime for Scrap Metal to be implemented through the provisions for the Scrap Metal Dealers Act 2013, including the increased duties and powers which this gives to the Council.

Members of the Licensing Committee noted the enactment of the Scrap Metal Dealers Act 2013 and the consequential additions to the Term of Reference of the Licensing Committee and Licensing sub-Committee. The Licensing Committee agreed to recommend this Constitutional amendment to the Council.

CORPORATE PRIORITIES

Access to Services – Helping residents to access the services they need

1. Ensure that our residents are supported through **Welfare Reform and the emerging Health and Wellbeing agenda.**

Environment - Maintaining the character and environment of Mole Valley

1. **Enable growth in the District** to support businesses and the local economy and facilitate appropriate housing development.

Value for Money - Delivering quality, value for money services

- 1. Continue to provide quality services to our residents**, by creating additional income through making better use of **property assets**.

The Council has the authority to determine the Recommendations

1.0 BACKGROUND/INTRODUCTION

1.1 The Licensing Committee, at its meeting on the 10th October 2013, considered a report on the Scrap Metal Dealers Act 2013, which received Royal Assent on the 28th February 2013.

1.2 The Committee made a number of recommendations to the Full Council in order to enable the Council to carry out the requirement of the Act.

2. Options

2.1 The Council has the option to accept, reject or amend the Terms of Reference of the Licensing Committee and Licensing Sub-Committee recommended by the Licensing Committee.

3. Proposals

3.1 Terms of Reference of the Licensing Committee and the Licensing Sub-Committee as agreed by the Committee at that meeting.

4. Supporting information

4.1 Amended Terms of Reference for the Licensing Committee and Licensing Sub-Committee are attached at Appendix A.

Risk Implications – The Council has no choice but to enforce the regime being introduced by the legislation as it is a regulatory function.

Equalities Implications - None

Employment Issues – None

Sustainability Issues - None

Consultation – None

Communications - None

TERMS OF REFERENCE OF THE LICENSING COMMITTEE

1. Except as otherwise provided in the Licensing Act 2003, the Gambling Act 2005 and the Scrap Metal Dealers Act 2013, to exercise and perform all functions of the licensing authority prescribed by those Acts. Deleted: and
2. All other functions relating to licensing and registration in so far as they are the responsibility of the District Council as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended
3. All functions relating to health and safety at work in so far as they are the responsibility of the District Council as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended
4. To appoint Licensing Sub-Committees to hear applications delegated to the Sub-Committees as set out in Annex 1
5. To appoint time limited Sub-Committee and Working Groups where appropriate.
6. To authorise appropriate delegation of any of its powers to the Council's officers.

APPENDIX A – AGENDA ITEM 7(ii) COUNCIL 3RD DECEMBER 2013

Annex 1

Licensing Powers reserved to the Sub-Committee

MATTER TO BE DEALT WITH	SUB - COMMITTEE
Application for personal licence	If a police objection
Application for personal licence, with unspent convictions	All cases
Application for premises licence/club premises certificate	If a relevant representation made
Application for provisional statement	If a relevant representation made
Application to vary premises licence/ Club registration certificate	If a relevant representation made
Application to vary designated Premises supervisor	If a police objection
Request to be removed as designated premises supervisor	
Application for transfer of premises licence	If a police objection
Application for Interim authorities	If a police objection
Application to review premises licence/club premises certificate	All cases
Decision on whether a representation is irrelevant, frivolous, vexatious, etc	
Decision to object when local authority a consultee and not the lead authority	All cases
Determination of a police objection to a temporary event notice	All cases
<u>Application/renewal for mobile licence</u>	<u>All cases</u>
<u>Application/renewal for site licence</u>	<u>All cases</u>
<u>Variation and revocation of mobile and site licences</u>	<u>If relevant representation made</u>