

METROPOLITAN BOROUGH OF WIRRAL

LICENSING ACT 2003 COMMITTEE – 23 FEBRUARY 2005

REPORT OF THE DIRECTOR OF REGENERATION AND THE DIRECTOR OF CORPORATE SERVICES

LICENSING ACT 2003 SUB-COMMITTEES

1. EXECUTIVE SUMMARY

The purpose of this report is for members to consider the appointment of the Chairs and members of the two Licensing Act 2003 Sub-Committees, which are required to discharge the functions of the Licensing Act.

2. BACKGROUND

On 7 February 2005, Council established the Licensing Act 2003 Committee consisting of 12 members in the political ratio 5:4:3. Council also determined that this Committee should discharge its functions under the Licensing Act 2003 to two Sub-Committees and officers of the Licensing Authority, in accordance with the recommendations set out in Appendix 1 attached. These Sub-Committees should consist of three members each.

2.1 The Sub-Committees will be required to deal with applications in circumstances where relevant representations are made, if there is a Police objection, or to review a Premises Licence or Club Premises Certificate. During the transition period, which commenced on 7 February 2005 and will continue until November 2005, the number of hearings will be dependent upon the number of applications to vary current licences held for both alcohol and entertainment where relevant representations or Police objections are received. The workload at the moment is unclear, however, several hearings a week may be required and the likely timescales for dealing with applications may require hearings to be held at short notice. Members are further advised that hearings would be held during the day.

2.2 The proposal is to operate on a pool basis the two Sub-Committees, consisting of three members each. A reserve member would also be required for each hearing to take account of the event of a conflict of interest, e.g. where a member knows a particular applicant, is a member of a body involved in an application, or if the premises involved are in a particular member's ward. The appointment of the Chairs of the two Sub-Committees is a function of this Committee, however, this function may be delegated to members of the two Sub-Committees to decide on the day of the hearing.

3. FINANCIAL AND STAFFING IMPLICATIONS

There will be financial and staffing implications arising from an increase in resources needed to implement requirements under the Licensing Act 2003, but these are unclear at this stage.

4. EQUAL OPPORTUNITIES IMPLICATIONS

There are no Equal Opportunity implications arising directly from this report.

5. HUMAN RIGHTS IMPLICATIONS

There are no Human Rights implications arising directly from this report.

6. LOCAL AGENDA 21 IMPLICATIONS

There are no Local Agenda 21 implications arising directly from this report.

7. COMMUNITY SAFETY IMPLICATIONS

Members of the Licensing Act 2003 Sub-Committees will be responsible for determining applications in respect of licensing for which there may be Community Safety Implications.

8. PLANNING IMPLICATIONS

The consideration of Planning Applications must remain independent of consideration made by the Licensing Act 2003 Sub-Committees. However, the Licensing Authority must secure proper integration of its Licensing Policy with planning. Licensing applications should not be a re-run of the Planning Application and should not cut across decisions taken by the Planning Committee. Proper integration should be assumed by Licensing Committees providing regular reports to the Planning Committee on the situation regarding licensed premises.

9. LOCAL MEMBER SUPPORT IMPLICATIONS

This report affects the entire Borough.

10. BACKGROUND PAPERS

Licensing, Health and Safety, and General Purposes Committee report and minute 51 of 20 January 2005.

Cabinet report and minute 415 of 26 January 2005.

11. RECOMMENDATION

That the members of the two Sub-Committees be appointed, with the function of appointing Chairs being delegated to members of the two Sub-Committees to decide on the day of the hearing.

ALAN STENNARD
Director of Regeneration

J. WILKIE
Director of Corporate Services

APPENDIX 1

DELEGATION OF FUNCTIONS

Matters to be dealt with	Full Committee	Sub-Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representative made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	

Matters to be dealt with

Full Committee

Sub-Committee

Officers

Decision on whether a complaint is irrelevant frivolous vexatious, etc.

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 objection to a temporary event notice

All cases